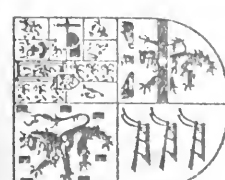






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LABOR LAWS

ADMINISTERED BY THE

State of New Jersey

DEPARTMENT OF LABOR

ANDREW F. McBRIDE

LEWIS T. BRYANT

Commissioner of Labor

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Compiled by the Bureau of Industrial Statistics

1921

TRENTON, N. J.

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STATE OF NEW JERSEY
DEPARTMENT OF LABOR
BUREAU OF INDUSTRIAL STATISTICS

TRENTON, January 1, 1921.

To His Excellency, Edward I. Edwards, Governor of New Jersey.

SIR:

In accordance with the provisions of Chapter 105, Laws of 1878, and the several supplements thereto, I have the honor to transmit herewith the compilation of the Labor Laws of New Jersey, revision of 1921, as the Forty-second Annual Report of the Bureau of Industrial Statistics, Department of Labor.

Very respectfully,

LEWIS T. BRYANT

ANDREW F. McBRIDE

Commissioner of Labor.

INTRODUCTION

This pamphlet contains all the general labor laws enforced by the Department of Labor through its respective bureaus and includes the legislation enacted during the 1921 Session of the Legislature.

Under the heading of each bureau are grouped all the laws or sections of laws enforced by that bureau together with the subject titles of the rules and regulations formulated by the bureaus and known as provisions of the industrial code, supplementary to these laws.

Pamphlets containing the industrial code provisions can be furnished separately as can also complete copies of the Workmen's Compensation Law.

INDUSTRIAL CODES ENFORCED BY DEPARTMENTAL BUREAUS

Bureau of Structural Inspection:

Schedule of Approval Fees.

Specifications for Fire Towers, Fire Escapes, Fireproofing of Doors and Windows, in Connection with Fire Escape Construction.

Standard Specifications for Elevators Located in Factory Buildings.

Passenger Elevator Interlock Specifications.

Bureau of Electrical and Mechanical Equipment:

Safety Standards for Transmission Machinery and all Mechanically Driven Equipment.

Rules and Requirements for the Installation and Maintenance of Electrically Controlled Engine Stops and Speed Limit Governors for Engines Used for the Purpose of Furnishing Power in Manufacturing Establishments.

Code of Lighting for Factories, Mills and other Work Places.

Safety Standards Relating to the Use and Care of Abrasive Wheels.

General Rules for the Construction and Installation of Fire Alarm Signal Systems for Factories, Mills and Other Work Places.

Bureau of Hygiene and Sanitation:

Sanitary and Engineering Industrial Standards.

Sanitary Standards for the Felt Hatting Industry.

Safety Standards for Lead Corroders and Lead Oxidizers, Paint Grinders, Dry Color Manufacturers.

Safety Standards for the Manufacture of Nitro and Amido Compounds.

Instructions for the Inspection of Plants where Aniline is Produced or Handled.

Safety Standards for Insecticides.

Safety Standards for Lithophone.

Safety Standards for Cutting Oils.

Safety Standards for Steam Power Laundries.

Bureau of Mines and Quarries:

Standards of the Bureau of Mines.

Bureau of Explosives:

Safety Standards for the Manufacture and Storage of Explosives.

Bureau of Engineers' License, Steam Boiler and Refrigerating Plant Inspection:

Standard Boiler Code.

Rules and Regulations of Bureau.

LABOR LAWS OF NEW JERSEY

Department of Labor

Bureau of Inspection

- I. General Factory Law.
- II. Department Under Civil Service.
- III. Reorganization of Department of Labor.
- IV. Inspectors Graded.
- V. Payment of Wages.
- VI. Discharge of Employees.
- VII. Meal Hours.

I. GENERAL FACTORY LAW

AN ACT regulating the age, employment, safety, health and work-hours of persons, employees and operatives in newspaper plants, printeries, factories, workshops, mills, commercial laundries, and all places where printing or the manufacture of goods of any kind is carried on, and in mines and quarries, and to establish a department for the enforcement thereof.—Title as amended by P. L. 1914, chapters 60 and 236.

(P. L. 1904, ch. 64, approved March 24, 1904.)

- Sec. 1. Abstract of law posted.**
- 2. Obstructing officers.
 - 3. Notice of occupancy of factory, etc.
 - 4. Penalties.
 - 5. Procedure.
 - 6. Department of Labor established.

1. Abstract of law posted

SEC. 25. An abstract of this law shall be prepared and furnished upon request by the Commissioner of Labor to every corporation, firm or person in this state who is affected thereby, and every manufacturer to whom a copy of such abstract is sent or delivered shall

post such abstract of this law and keep it posted in plain view in such place that it can be easily read by the employes or operatives in coming in or going out from said factory, workshop or mill.

2. Obstructing officers

SEC. 26. No person shall interfere with, delay, obstruct, or hinder by force or otherwise, the commissioner, the assistant commissioner or inspectors, while in the performance of their duties, or refuse to answer in writing or otherwise, questions asked by such officers relating to the matters coming under the provisions of this act; no person shall impersonate an officer of the department or forge his certificate of authority.

3. Notice of occupancy of factory, etc.

SEC. 29. Every corporation, firm or person shall within one month after he, they or it shall begin to occupy a factory, workshop, mill or place where the manufacture of goods of any kind is carried on, notify in writing the department, at Trenton, New Jersey, of such occupancy, giving the legal title of such corporation and name of agent upon whom service of a summons can be made, and in case of a firm, the individual names of the members of the firm or the legal title of the concern so occupying such a factory or workshop.

4. Penalties

SEC. 30. For the purpose of carrying into effect the provisions of sections eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-six, twenty-seven and twenty-eight, the commissioner shall be and he is hereby authorized to make such orders in writing for the protection and safety of employes and operatives and the enforcement of this act in places coming under the provisions of this act, as in his judgment shall seem necessary to carry into effect the provisions of such sections; such order shall be in writing, signed by the commissioner, and shall specify what shall be necessary to be done and within what time; any corporation, firm or person, violating any of the provisions of sections eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-six, twenty-seven and twenty-eight, shall, for each offence, be liable to a penalty of fifty dollars.

5. Procedure; action of debt; summons; service; trial; judgment; execution; body execution; disposition of fines

SEC. 44. All proceedings brought under the provisions of this act shall be by action of debt, in the name of the commissioner to be instituted in any district court of a city, recorders' court of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons returnable in not less than five nor more than ten days, which process shall be served on the owner or owners, person or persons or any of them, owning the place or operating the business wherein the alleged violation of the law has taken place; if such owner or owners, person or persons, reside in the county where the offense was committed, or if the owner or owners, person or persons as aforesaid, do not so reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman or person in charge of the business or place; service upon a corporation shall be made upon the president, vice-president, secretary or any director, and if none of them reside in the county where the offense was committed, then service may be made upon the superintendent, foreman, or person in charge of the business or place; in case the owner or owners of a building reside without the limits of the county, then service of the process may be made upon the agent in charge of said building, and if there be no such agent, then service of the process may be made by affixing a copy thereof to the main outer door of such building at least ten days before the return day thereof; all proceedings thereafter shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such a defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the state, but shall only be discharged by the court making the order for the body execution, or one of the justices of the supreme court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all moneys collected under the provisions of this act shall be paid into the treasury of the state of New Jersey.

6. Department of labor established; office; commissioner, assistant commissioner and inspectors; appointment; terms of office; salaries; inspection districts; power to administer oaths and take affidavits; clerical help; extra help; duties of commissioner; annual report; inspection of factories, etc.; inspectors' lists for school officers; hours of service of deputy inspectors

SEC. 45. For the purpose of carrying into effect and enforcing the provisions of this act, there shall be and hereby is established a department to be known as the Department of Labor; the department shall have its main office in Trenton, and shall consist of a commissioner, an assistant commissioner and eleven inspectors; the Governor shall, immediately after the passage of this act, with the advice and consent of the Senate, appoint some suitable person, who shall be a resident and citizen of this State, as head of the said department at a salary of six thousand dollars per year, to be paid monthly, whose term of office shall be three years and until his successor is appointed, and whose title shall be Commissioner of Labor; the commissioner shall, with the approval of the Governor, appoint the assistant commissioner who shall be an architect, engineer or mechanic, he shall receive a salary of three thousand dollars per year, to be paid monthly; the Governor shall appoint eleven suitable persons as inspectors, two of whom shall be women, whose salary shall be one thousand five hundred dollars per year each, to be paid monthly; the terms of office of the assistant and the inspectors shall be three years unless sooner removed by the commissioner; the assistant and the inspectors shall each be furnished with certificates of authority by the Secretary of State, and they shall produce the same if so required by any manufacturer; the commissioner shall have the power, out of the appropriation made for the purpose of carrying on the work of the department, to purchase badges for the assistant, the inspectors and himself, the commissioner may divide the State into districts, assign inspectors to such districts, and may, in his discretion, transfer them from one district to another; the commissioner, assistant and inspectors may administer oaths and take affidavits in matters relating to the enforcement of this act; the commissioner shall have the right to employ such department clerks for carrying on the work of the department as may, in his judgment, be necessary; such clerks shall receive such salaries as the commissioner, with the approval of the Governor, shall fix, to be paid by the Treasurer on warrant of the Comptroller in equal monthly installments; when the work of the department shall necessitate the employment of additional inspectors,

the commissioner shall have the power to employ such inspectors at such compensation and for such length of time as he may deem necessary, and such extra inspectors shall have the same rights, powers and privileges as the inspectors appointed by the Governor; all salaries and expenses incurred by the commissioner, assistant and all inspectors, in the discharge of their duties, and all salaries and expenses necessary to carry out the provisions of this act, shall be paid from the funds of the State, out of the moneys appropriated for that purpose, by the Treasurer, upon warrant of the Comptroller, upon presentation of proper vouchers for the same, approved by the commissioner; it shall be the duty of the commissioner to enforce the provisions of this act and to exercise supervision and control over the assistant and the inspectors, and to cause inspections to be made of the factories, mills, workshops, and places where the manufacture of goods of any kind is carried on, by the assistant and the inspectors, as often as practicable, and to make a report of the work of the department to the Governor of the State on or before the thirty-first day of October in each year; to prosecute violations of the provisions of this act in any district court, recorders' courts of cities and before any justice of the peace having due jurisdiction, or in any other court of competent jurisdiction in this State; the commissioner, the assistant commissioner and the inspectors shall have the right at all reasonable hours to enter and inspect factories, mills, workshops and places where the manufacture of goods of any kind is carried on, and each inspector shall make a report in writing of such inspections to the commissioner at least once in each week; inspectors shall make out a list of minors discharged, with the name of the child in full, residence, street and number, name of place from which such minor was discharged and date of discharge; he shall send or deliver within twenty-four hours, such list to the principal of the public school in the district where the minor resides, or to the truant officer having such school district in charge; every deputy inspector shall devote at least eight hours of every working day except public holidays, and four hours on Saturdays to the discharge of his or her duties as such deputy inspector, unless prevented by illness or other disability, and no deputy inspector shall engage in any business, occupation or employment during his or her term of office that will in any way interfere with or prevent the full and faithful performance of such duties. (As amended by P. L. 1912, chapter 117.)

II. DEPARTMENT OF LABOR UNDER CIVIL SERVICE

(P. L. 1912, ch. 83, approved March 14, 1912; supplemental to P. L. 1908, ch. 156.)

7. Department under civil service

SEC. 1. The assistant commissioner of the Department of Labor and all inspectors of the Department of Labor shall hereafter be included in the competitive class in the classified service and not in the unclassified service, and shall be subject to the laws, rules and regulations governing such competitive class in the classified service, in accordance with the provisions of the act to which this act is a supplement and the acts amendatory thereof and supplemental thereto; and the assistant commissioner of the Department of Labor and all inspectors of the Department of Labor now in the employ of the State shall continue to hold their offices or employments and shall not be removed therefrom except in accordance with the provisions of section twenty-four of the act to which this is a supplement, it being the intention hereby to include such assistant commissioner and all such inspectors within the classified service of the State and to subject them in all respects to the provisions of the act to which this act is a supplement and the acts amendatory thereof and supplemental thereto.

III. REORGANIZATION OF DEPARTMENT OF LABOR

AN ACT to reorganize the Department of Labor; to provide for the execution of its powers and the performance of its duties through departmental bureaus, under the supervision and control of the Commissioner of Labor; and as incidental to such reorganization, to provide for the transfer and assignment of officials and employees in the present department, and to extend the term of office of the Commissioner of Labor.

(P. L. 916, ch. 40; passed March 14, 1916.)

Sec. 8. Organization.

9. Commissioner.
10. Duties of commissioner.
11. Assistant commissioner; bureau of inspection; inspectors.
12. Bureau of inspection, duties of.
13. Bureau of structural inspection.
14. Bureau of structural inspection, duties of.
15. Bureau of electrical equipment.
16. Bureau of electrical equipment, duties of.
17. Bureau of hygiene, sanitation.
18. Bureau of hygiene, sanitation, duties of.
19. Bureau of engineers' and firemen's licenses; duties.
20. Bureau of industrial statistics.
21. Bureau of industrial statistics, duties of.
22. Bureau of employment.
23. Clerical assistance.
24. Assignment to duty.
25. Reorganization.
26. Additional inspectors, advisers, etc.
27. Term of commissioner.
28. Expenses paid.
29. Repealer.

8. Organization

SEC. 1. The Department of Labor shall be reorganized and hereafter composed of

First—One Commissioner of Labor.

Second—One Assistant Commissioner of Labor.

Third—A Bureau of Inspection.

Fourth—A Bureau of Structural Inspection.

Fifth—A Bureau of Electrical Equipment.

Sixth—A Bureau of Hygiene and Sanitation.

Seventh—A Bureau of Engineers' and Firemen's Licenses.

Eighth—A Bureau of Industrial Statistics.

Ninth—A Bureau of Employment.

9. Commissioner

SEC. 2. The Commissioner of Labor shall be a citizen and resident of this State, appointed by the Governor, by and with the advice and consent of the Senate. He shall hold his office for the term of five years and until his successor is appointed and qualified. He shall receive a salary of six thousand dollars per annum.

10. Duties of commissioner

SEC. 3. He shall be the executive and administrative head of the department. All powers and duties heretofore vested in and devolved upon the Commissioner of Labor or the Department of Labor shall hereafter be exercised and performed by him in person or under his personal supervision and control, through and by any bureau or representative thereof, duly authorized by the Commissioner of Labor for that purpose. When not inconsistent with the provisions of any statute, he shall assign to the various bureaus and cause to be performed through them, under his supervision and in his name, such duties as may have been or hereafter may be devolved generally upon the Department of Labor or upon the Commissioner of Labor, to the end that through the several bureaus, each performing its assigned correlated functions, the work of the department shall be economically, efficiently and promptly performed.

11. Assistant commissioner; bureau of inspection; inspectors

SEC. 4. The Bureau of Inspection shall consist of an assistant Commissioner of Labor, who shall be appointed by the Commissioner of Labor. The Assistant Commissioner of Labor, in the absence of the commissioner, shall execute his powers and perform his duties. The salary of the Assistant Commissioner of Labor shall be three thousand dollars per annum. There shall also be nineteen inspectors, of whom three at least shall be women. One inspector shall have practical knowledge and skill in the work and operation of mines and quarries, and one shall be a practical baker. The inspectors shall be appointed by the Commissioner of Labor and shall receive a salary of fifteen hundred dollars per annum.

12. Bureau of inspection, duties of

SEC. 5. The Bureau of Inspection shall perform such duties as the Commissioner of Labor shall assign and require, under the supervision and control of the Commissioner of Labor.

13. Bureau of structural inspection

SEC. 6. The Bureau of Structural Inspection shall consist of a chief inspector who shall be a structural expert, and who shall be appointed by the Commissioner of Labor. The salary of the chief inspector of this bureau shall be two thousand dollars per annum. There shall be one inspector attached to this bureau, who shall be appointed by the Commissioner of Labor, at the salary of fifteen hundred dollars per annum.

14. Bureau of structural inspection, duties of

SEC. 7. The Bureau of Structural Inspection shall perform, under the supervision and control of the Commissioner of Labor, such duties as may be assigned to it by the Commissioner of Labor, relating to plans for the alterations of old and the erection of new buildings, elevators, fire escapes, fire protection, and such additional correlated duties as the commissioner may direct.

15. Bureau of electrical equipment

SEC. 8. The Bureau of Electrical Equipment shall consist of a chief inspector, who shall be appointed by the Commissioner of Labor. The salary of the chief inspector of electrical equipment shall be two thousand dollars per annum. In addition to the chief inspector, there shall be one inspector, who shall be appointed by the Commissioner of Labor, at the salary of fifteen hundred dollars per annum.

16. Bureau of electrical equipment, duties of

SEC. 9. The Bureau of Electrical Equipment shall, under the supervision and control of the Commissioner of Labor, perform such duties in matters related to fire-alarm installations or other electrical equipment as the Commissioner shall direct.

17. Bureau of hygiene and sanitation

SEC. 10. The Bureau of Hygiene and Sanitation shall consist of a chief inspector, who shall be appointed by the Commissioner of Labor. The salary of the chief inspector shall be two thousand dollars per annum. In addition to the chief inspector, this bureau shall consist of an expert investigator of occupational diseases, at the salary of fifteen hundred dollars per annum, and, one inspector, who shall

be a person having practical knowledge and skill as a metal polisher and buffer, who shall be appointed by the Commissioner of Labor at the salary of fifteen hundred dollars per annum.

18. Bureau of hygiene and sanitation, duties of

SEC. 11. The Bureau of Hygiene and Sanitation shall perform, under the supervision and control of the Commissioner of Labor, the duties devolving upon the Department of Labor or the Commissioner of Labor, with relation to the elimination of dust, fumes and excessive heat in industrial operation, and the ventilation of factories, mills, workshops and places where the manufacture of goods is carried on, as assigned and directed by the Commissioner of Labor, and such additional duties correlated thereto as he shall direct.

19. Bureau of engineers' and firemen's licenses, duties of

SEC. 12. The Bureau of Engineers' and Firemen's Licenses shall be constituted in the manner and form prescribed by and subject to all the provisions of an act entitled "An act to provide for the examination and license of engineers and firemen having charge of stationary and portable steam boilers and steam engines, and to prohibit the use of such steam boilers and steam engines unless the persons in charge thereof shall be so licensed," approved April fourteenth, one thousand nine hundred and thirteen, and the amendments thereof and supplements thereto, and shall continue to exercise and perform the powers and duties conferred and devolving upon them by the provisions of that act. This bureau shall also perform, under the supervision and control of the Commissioner of Labor, such additional correlated duties as the Commissioner shall direct.

20. Bureau of industrial statistics

SEC. 13. The Bureau of Industrial Statistics shall consist of a chief of the bureau, who shall be appointed by the Commissioner of Labor. The salary of the chief of the bureau shall be twenty-five hundred dollars per annum.

21. Bureau of industrial statistics, duties of

SEC. 14. The Bureau of Industrial Statistics shall perform, under the supervision and control of the Commissioner of Labor, the duties formerly vested in the Bureau of Labor Statistics pursuant to the

provisions of an act entitled "An act to establish a Bureau of Statistics upon the subject of labor, considered in all its relations to the growth and development of State industries," approved March twenty-seventh, one thousand eight hundred and seventy-eight, and the amendments thereof and supplements thereto, which bureau is now merged with the Department of Labor, and in addition, shall publish and issue bulletins and pamphlets on matters pertaining to the work of the bureau, and perform such other duties as may be assigned to said bureau by the Commissioner of Labor.

22. Bureau of employment

SEC. 15. The Bureau of Employment shall be constituted as contemplated by an act of the Legislature entitled "An act to authorize the Department of Labor to establish free labor bureaus, and providing for their maintenance," approved March tenth, one thousand nine hundred and fifteen, except that the Commissioner of Labor shall appoint a chief of the bureau and fix his compensation, and appoint such additional clerks and employees as may be necessary, and fix their compensation. By the bureau thus organized, the powers and duties devolved upon the Department of Labor in and by the said act shall be exercised and performed.

23. Clerical assistance

SEC. 16. The Commissioner of Labor shall appoint and assign to duty such clerks and stenographers as he may consider necessary, and fix their compensation. All offices and employments, except that of the Commissioner of Labor, in the department shall be within the classified service of the State, subject to all the provisions of the Civil Service act.

24. Assignment to duty

SEC. 17. The Commissioner of Labor may assign or transfer stenographers or clerks from one bureau to another, or inspectors from one bureau to another, or combine the clerical force of two or more bureaus, as may be necessary or advisable, or require from one bureau assistance in the work of another bureau. The system of organization hereby created is intended to facilitate and not to retard the economical and efficient performance of the work of the department, and not to impair the control or responsibility of the commissioner over and for such work.

25. Reorganization

SEC. 18. Upon this act taking effect, the present Commissioner of Labor who shall continue to hold his office in accordance with the provisions of this act, shall proceed to reorganize the Department of Labor as provided by this act. All the inspectors and other employees and appointees now in the service of the department shall continue in such service. The present Commissioner of Labor shall make all necessary appointments, assignments and transfers from the inspectors, experts, employees, clerks, and stenographers now in the employ of the department and fill any positions required to be filled after such transfer or assignments, in accordance with the provisions of the Civil Service act.

26. Additional inspectors, advisers, etc.

SEC. 19. The Commissioner of Labor may appoint and employ such additional inspectors, expert investigators or advisers, at such compensation and for such period as he may consider necessary. He may also appoint volunteer inspectors, to serve without compensation. All persons appointed under this section shall have the same rights and powers as the regular inspectors.

27. Term of commissioner

SEC. 20. The term of office of the present Commissioner of Labor is hereby extended, and he shall continue to hold and execute his office for a full term of five years from the date of issue of his present commission, and until his successor, at the end of the term of five years from the date of the present commission, shall be appointed and qualified.

28. Expenses paid

SEC. 21. All officers and employees or appointees in this department shall, in addition to their compensation, be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

29. Repealer

SEC. 22. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

IV. INSPECTORS GRADED

(P. L. 1917, ch. 58, approved March 19, 1917, supplemental to P. L. 1916, ch. 40.)

Sec. 30. Department of labor inspectors graded; fourth grade: salary and appointment; third grade: salary and appointment; second grade: salary, promotion; first grade: salary, promotion.

31. Salary of assistant commissioner of labor.

32. Salaries of chiefs of bureaus.

33. Expenses met; present inspectors classified; proviso; period of service.

30. Department of labor inspectors graded; fourth grade: salary and appointment; third grade: salary and appointment; second grade: salary, promotion; first grade: salary, promotion

SEC. 1. The inspectors of the Department of Labor shall perform such duties as shall be designated by the Commissioner of Labor and shall be divided into four grades, as hereinafter provided, which shall be designated respectively, first grade, second grade, third grade and fourth grade.

Fourth Grade: Inspectors of this grade shall receive a salary of one thousand dollars per annum, which salary may be increased upon the recommendation of the Commissioner of Labor, after two years of service, to eleven hundred dollars per annum, and upon like recommendation, after four years of service, to twelve hundred dollars per annum. Appointment of inspectors to this grade shall be made from the list of applicants for this grade submitted by the Board of Civil Service Commissioners.

Third Grade: Inspectors of this grade shall receive a salary of twelve hundred dollars per annum, which salary may be increased upon the recommendation of the Commissioner of Labor, after one year of service, to thirteen hundred dollars per annum, and upon like recommendation, after two years of service, to fourteen hundred dollars per annum, and upon like recommendation, after three years of service, to fifteen hundred dollars per annum. Appointment of inspectors to this grade shall be made from the list of applicants for this grade submitted by the Board of Civil Service Commissioners.

Second Grade: Inspectors of this grade shall receive a salary of sixteen hundred dollars per annum, which salary, upon recommenda-

tion of the Commissioner of Labor, after one year of service, may be increased to seventeen hundred dollars per annum, and upon like recommendation, after two years of service, to eighteen hundred dollars per annum.

Any inspector, after having satisfactorily served for five years as an inspector in the third grade, shall if recommended by the Commissioner of Labor, be admitted to a non-competitive promotion examination, to be conducted by the Board of Civil Service Commissioners, and upon successfully passing such examination, shall be promoted to the second grade. No appointment of inspectors of the second grade shall be made except after non-competitive promotion examination, as aforesaid.

First Grade: Inspectors of this grade shall receive a salary of nineteen hundred dollars per annum, which salary may be increased upon the recommendation of the Commissioner of Labor, after one year of service, to two thousand dollars per annum.

Any inspector, after having satisfactorily served as an inspector of the second grade for five years, shall, if recommended by the Commissioner of Labor, be admitted to a non-competitive promotion examination, to be conducted by the Board of Civil Service Commissioners, and, upon successfully passing such examination, shall be promoted to the first grade. No appointment of inspectors of the first grade shall be made except after a non-competitive promotion examination, as aforesaid.

31. Salary of the assistant commissioner of labor

SEC. 2. The salary of the Assistant Commissioner of Labor shall be three thousand dollars per annum. The Assistant Commissioner of Labor, after having satisfactorily served as such assistant commissioner for five years, shall, if recommended by the Commissioner of Labor, be admitted to a non-competitive promotion examination, to be conducted by the Board of Civil Service Commissioners, and upon successfully passing such examination shall receive a salary of thirty-five hundred dollars per annum.

32. Salaries of chiefs of bureaus

SEC. 3. The Chief Inspector of the Bureau of Structural Inspection, the Chief Inspector of the Bureau of Electrical Equipment, the Chief Inspector of the Bureau of Hygiene and Sanitation, and the

Chief of the Bureau of Industrial Statistics shall each receive a salary of twenty-five hundred dollars per annum. The chief of any of the above-named bureaus, after having satisfactorily served as chief of such bureau for five years, shall, if recommended by the Commissioner of Labor, be admitted to a non-competitive promotion examination, to be conducted by the Board of Civil Service Commissioners, and, upon successfully passing such examination, shall receive a salary of three thousand dollars per annum.

33. Expenses met; present inspectors classified; proviso; period of service

SEC. 4. The inspectors in the employ of the Department of Labor, the Assistant Commissioner of Labor and the chiefs of the bureaus above mentioned shall, in addition to the annual salaries received by them, receive the expenses incurred by them in the performance of their duties.

All inspectors now in the employ of the Department of Labor shall be classified as inspectors of the third grade and shall be considered, for the purposes of this act, to have been inspectors of the third grade from the date of their original appointment as inspectors; provided, however, that nothing in this act contained shall operate to reduce the salary of any inspector now employed by the Director of Labor.

The period of service of the Assistant Commissioner of Labor and the chiefs of the bureaus above mentioned, now in the employ of the Department of Labor, shall, for the purposes of this act, run from the appointment of such persons as assistant commissioner or chiefs of the bureaus herein named, as the case may be.

V. PAYMENT OF WAGES

AN ACT to provide for the payment of wages in lawful money of the United States every two weeks.

(P. L. 1899, ch. 38, approved March 16, 1899, as amended by P. L. 1904, ch. 195.)

Sec. 34. Payment of wages to be made every two weeks, penalty.

35. Agreements as to time for payment of wages, except for shorter intervals than two weeks, invalid.

36. Enforcement of act by department of labor.

34. Payment of wages to be made every two weeks; penalty

SEC. 1. Every person, firm, association or partnership doing business in this state, and every corporation organized under or acting by virtue of or governed by the provisions of an act entitled "An act concerning corporations" (Revision of one thousand eight hundred and ninety-six), in this state, shall pay at least every two weeks, in lawful money of the United States, to each and every employe engaged in his, their or its business, or to the duly-authorized representative of such employe, the full amount of wages earned and unpaid in lawful money to such employe, up to within twelve days of such payment; provided, however, that if at any time of payment any employe shall be absent from his or her regular place of labor and shall not receive his or her wages through a duly-authorized representative, he or she shall be entitled to said payment at any time thereafter upon demand; any employer or employers as aforesaid who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars and not more than one hundred dollars for each and every offense, at the discretion of the court; provided, complaint of such violation be made within sixty days from the day such wages become payable according to the tenor of this act; the provisions of this section shall not apply to any employe or employes engaged in agricultural work or as watermen.

35. Agreements as to time for payment of wages, except for shorter intervals than two weeks, invalid.

SEC. 2. It shall not be lawful for any such person, firm, association, partnership or corporation, as aforesaid, to enter into or make

any agreement with any employe for the payment of the wages of any such employe otherwise than as provided in section one of this act, except it be to pay such wages at shorter intervals than every two weeks; every agreement made in violation of this act shall be deemed to be null and void, and the penalties provided for in section one hereof may be enforced notwithstanding such agreement: and each and every employe with whom any agreement in violation of this act shall be made by any such person, firm, association, partnership, corporation or the agent or agents thereof, shall have his or her action and right of action against any such person, firm, association, partnership or corporation, for the full amount of his or her wages in any court of competent jurisdiction in this state.

36. Enforcement of act by department of labor

SEC. 3. The department of labor of this state shall be and hereby is authorized and directed to enforce the provisions of this act and the Commissioner of Labor shall make complaint against any employer or employers who neglect to comply with the provisions of this act for a period of two weeks after having been notified in writing by said Commissioner of Labor of the violation of this act: and it is hereby made the duty of county prosecutors of the pleas of the various counties in this state, to appear in behalf of the Department of Labor in all proceedings brought herein by the Commissioner of Labor. (As amended by P. L. 1904, ch. 195.)

AN ACT providing for the payment of wages of deceased employes in certain cases.

(P. L. 1909, ch. 59, approved April 7, 1909.)

Sec. 37. Wages of deceased employes; to whom payable; proviso.
38. Payment a release of employer.

37. Wages of deceased employes; to whom payable; proviso

SEC. 1. It shall be lawful for any employer in this State at any time not less than thirty days after the death of the employe, to pay all wages due to such deceased employe to the wife, child or children, father or mother, sister or brother (preference being given in the order named) of the deceased employe, without requiring letters of administration to be issued upon the estate of said deceased employe, where such wages do not exceed seventy-five dollars in amount;

provided, however, that if such deceased employe shall not leave a wife, child or children, father, mother, sister or brother surviving him, then it shall be lawful for said employer to pay the wages due such deceased employe, first, to the undertaker for his services such sum as shall be due him, and second, the residue, if any, to physician, boarding-house keeper and nurse, pro rata, upon a bill furnished duly verified by affidavit.

38. Payment a release of employer

SEC. 2. The payment of such wages shall be a full discharge and release to the employer from the wages so due and paid.

VI. DISCHARGE OF EMPLOYES

AN ACT relating to contracts and agreements of operatives in mills, factories and other manufacturing establishments.
(P. L. 1895, ch. 142; approved March 14, 1895.)

39. Notice to operatives before discharge from employment; recovery of wages when notice not given

SEC. 1. That whenever any operative in any mill, factory or other manufacturing establishment shall contract or agree with his or her employer, or the agent of such employer, to forfeit any part of his or her wages or pay in case he or she shall quit work or service in such mill, factory or manufacturing establishment, without giving a certain specified notice of intention so to do, such operative shall, before being discharged from such work or service, be given notice thereof for the same length of time as that of the notice required of him or her as aforesaid, and in default of such notice, shall receive wages or pay for the same length of time for which his or her wages or pay would have been forfeited in case he or she had quit such service or work without notice as aforesaid; and whenever, in such a case, the wages or pay of such operative shall not be a fixed sum, as, for instance, so much per day or week, then the wages or pay to be so received by such operative shall be the amount he or she might ordinarily have earned in the time for which such notice should have been given; and such operative, upon making demand for such wages or pay, and a refusal to pay the same, shall be entitled to sue for and recover the same, the same as if it was due under an express con-

tract; and if he or she shall recover judgment in such suit for such wages or pay, or for a larger amount than had been tendered him or her in case a tender had been made, then he or she shall be allowed, as part of the costs thereof, an attorney's fee, to be fixed by the court, and in case the defendant shall appeal from such judgment, and shall not be successful on such appeal, then such operative shall be allowed, as part of the costs of such appeal, an additional attorney's fee, to be fixed by the court; provided, however, that such operative shall not be entitled to receive or recover such wages or pay in consequence of having been discharged without notice as aforesaid, if he or she, by his or her misconduct in or about such work or service, or incompetency to perform properly such work or service, shall have given or afforded sufficient cause for such discharge.

VII. MEAL HOURS

(P. L. 1911, ch. 273; approved April 27, 1911. Supplement to P. L. 1904, ch. 60.)

Sec. 40. Time for noon meal.

41. Period for meal.

42. Meal hour posted.

43. Penalty.

40. Time for noon meal

SEC. 1. Every corporation, firm or person owning or operating any place coming under the provisions of the act to which this act is a supplement, shall give all operatives and employes at least one-half hour for their midday meal, after being continuously employed for a period of not more than six hours, on any workday except Saturday.

41. Period for meal

SEC. 2. The period for such meal shall be fixed by every such employer, having in view the health and physical welfare of such operatives and employes in all such factories, workshops, mills and places where the manufacture of goods of any kind is carried on; if any such place is operated at night, or in eight-hour shifts, such meal period shall be fixed as aforesaid for such operatives and employes at such time as may be consistent with the mutual interests of such employer and operatives and employes.

42. Meal hour posted

SEC. 3. Notice of the hours within which such operatives may obtain such meals shall be plainly printed and kept posted in a conspicuous place in all work-rooms where any such employes or operatives are engaged.

43. Penalty

SEC. 4. Any such owner or employer, violating any of the provisions of this act shall be liable to a penalty of one hundred dollars for the first offense and of two hundred dollars for each subsequent offense.

Bureau of Child Labor and Women's Welfare

- VIII. Employment of Children:
 - (A) Factories, Workshops, etc.
 - (B) Mercantile Establishments.
- IX. Employment of Females:
 - (A) Ten Hour Law.
 - (B) Seats for Women.
- X. Sweatshop Law.
- XI. Messenger Service Law.

- VIII. Employment of Children:
 - (A) Factories, Workshops, etc.
 - (B) Mercantile Establishments.

GENERAL FACTORY LAW.

AN ACT regulating the age, employment, safety, health and work hours of persons, employees and operatives in newspaper plants, printeries, factories, workshops, mills, commercial laundries, and all places where printing or the manufacture of goods of any kind is carried on, and in mines and quarries, and to establish a department for the enforcement thereof.—Title as amended by P. L. 1914, Chapters 60 and 236.

(P. L. 1904, ch. 64, approved March 24, 1904,
as amended by

P. L. 1914, ch. 60, approved March 26, 1914,

P. L. 1914, ch. 236, approved April 17, 1914,

P. L. 1914, ch. 252, approved April 17, 1914,

P. L. 1919, ch. 36, approved April 7, 1919,

and supplemented by

P. L. 1916, ch. 242, approved March 21, 1916.)

(A) Factories, Workshops, etc.

- Sec. 44. Employment of children under fourteen prohibited; penalty.
 45. "Custodian" defined.
 46. Age and schooling certificate required; penalty.
 47. Baptismal record as evidence; proviso.
 48. May demand proof of age; penalty.
 49. False swearing; penalty.
 50. Employment of minors at dangerous occupations prohibited; penalty.
 51. Register to be kept; open to inspection; penalty.
 52. Age and work hours for children; proviso; no Sunday work; penalty; when disorderly house.
 53. Cleaning machinery.
 54. Form of legal proceedings; summons; judgment; if execution issue; discharge, fines to State Treasury.
 55. Part time employment; certificate to work part time in factories, etc., work considered part of schooling; proviso.

(B) Mercantile Establishments

- Sec. 56. Minimum age for child labor; penalty; habitual violation a disorderly house.
 57. Age and work hours for children; proviso; no Sunday work; penalty; when disorderly house.
 58. Inspection of mercantile establishments.
 59. Record of children employed kept in office; penalty; habitual violation constitutes a disorderly house; penalty.
 60. Children not to be employed in unhealthy or dangerous occupations; penalty for habitual violation.
 61. Right of entry for inspection.
 62. "Mercantile establishment" defined.

44. Employment of children under fourteen prohibited; penalty

SEC. 1. No child under the age of fourteen years shall be employed, allowed or permitted to work in any newspaper plant, printery, factory, workshop, mill, commercial laundry, or place where printing or the manufacture of goods of any kind is carried on, or in any mine or quarry. The officers or agents of any corporation, the members of any firm, or any person, or any parent, parents or custodian of any child who shall violate any of the provisions of this section shall be deemed and adjudged to be a disorderly person or persons, and upon conviction thereof, shall be fined fifty dollars, or imprisoned in jail for not more than ninety days or both; *provided*,

however, that any place where a child or children are habitually employed, contrary to the provisions of this section of the act, shall be a disorderly house, and the officers or agents of any corporation, the members of any firm, or any person owning, operating and managing said business, shall be deemed to be guilty of keeping a disorderly house, and upon conviction thereof, shall be fined not to exceed one thousand dollars, or shall be committed to jail, not to exceed three years, or both. (As amended by P. L. 1914, chapters 60, 236 and 252.)

45. "Custodian" defined

SEC. 2. The word custodian as used in this act shall include any person, organization or society having the legal custody of a child.

46. Age and schooling certificate required; penalty

SEC. 3. No corporation, firm or person owning or operating a place or places coming under the provisions of this act shall employ, allow or permit any child under the age of sixteen years to work therein unless that child shall produce an age and schooling certificate, as provided and required by law. The officers and agents of any corporation, or the members of any firm or any person failing to comply with the provisions of this section shall be deemed and adjudged to be disorderly persons, and upon conviction thereof, be fined not to exceed twenty-five dollars, or committed to jail, not to exceed sixty days, or both. (As amended by P. L. 1914, ch. 252.)

47. Baptismal record as evidence; proviso.

SEC. 4. In any suit brought to recover a penalty for violation of section one of this act, or in any criminal proceedings wherein the defendant is charged with violating any of the provisions of this act, a copy of the baptismal record, certified to be a true copy under the hand of the person having the custody of such records for the church or parish in which such child was baptized, shall be prima facie evidence of the child's age; *provided, however*, that in case the age of the child is not set forth in the baptismal record, that there shall be other proof showing the age of the child at the time he or she was baptized. (As amended by P. L. 1914, ch. 252.)

48. May demand proof of age; penalty

SEC. 5. The Commissioner, assistant or any inspector is hereby empowered to demand of any parent, parents or custodian, proof of the age of a child satisfactory to the Commissioner, and such parent, parents or custodian shall, within five days after such demand is made, furnish to such officer proofs of such child's age; and in the event of the failure to procure and furnish such proof of age, such child shall be discharged by his or her employer upon notice signed by the Commissioner, and shall not be re-employed until such proof of age shall have been furnished to the Commissioner; any person violating the provisions of this section shall be liable to a penalty of fifty dollars for each offense.

49. False swearing; penalty

SEC. 6. Anyone who shall swear falsely to any affidavit or present any certificate or passport which he or she knows to be false and any person or persons who shall aid, assist or advise the making of a false affidavit or the obtaining of a false certificate or passport, shall be liable to a penalty of fifty dollars for each offense.

50. Employment of minors at dangerous occupations prohibited; penalty

SEC. 7. No minor under the age of sixteen years shall be employed, permitted or suffered to work at any of the following occupations or in any of the following positions:

Adjusting any belt to any machinery; sewing or lacing machine belts in any workshop or factory, oiling, wiping, or cleaning machinery or assisting therein; operating or assisting in operating any of the following machines: circular or band saws; wood choppers; wood jointers; planers; sandpaper or wood-polishing machinery; wood-turning or boring machinery; picker machines or machines used in picking wool, cotton, hair, fur or any other material; carding machines, paper lace machines; job or cylinder printing presses operated by power other than foot power; boring or drill presses; stamping machines used in sheet metal and tinware or in paper and leather manufacturing, or in washer and nut factories; metal or paper cutting machines; corner staying machines in paper box factories; corrugating rolls, such as are used in corrugated paper, roofing or washboard factories; steam boilers, dough brakes, or cracker machinery of any description; wire or iron straightening or drawing

machinery; rolling mill machinery; power punches or shears; washing, grinding or mixing machinery; collender rolls and mixing rolls in paper and rubber manufacturing; laundering machinery; or in proximity to any hazardous or unguarded belting, machinery or gearing which, in the judgment of the Commissioner of Labor, is a menace to the safety of such minor. No minor under the age of sixteen years shall be employed, permitted or suffered to work in any capacity in, about or in connection with any processes in which dangerous or poisonous acids are used; or in the manufacture or packing of paints, colors, white or red lead; or in any process in which lead or its compounds are employed; or in soldering; or in occupations causing mineral, animal or vegetable dust in injurious quantities; including flint, clay, metal and talc dust; tobacco, rubber and cotton dust; silk, fur, wool and leather dust; or in the manufacture or use of dangerous or poisonous dyes; or in the manufacture or preparation of compositions with dangerous or poisonous gases or fumes; or in the manufacture or use of compositions of dye in which the quantity thereof is injurious to health; or in any trade process which shall offer such exposure to excessive heat, cold, muscular exertion or other physical risk as shall, in the judgment of the Commissioner of Labor, be harmful to the health and future working efficiency of such minor. The officers or agents of any corporation, the members of any firm, or any person, or the parent, parents or custodian of any child who shall violate any of the provisions of this section, shall be deemed and adjudged to be disorderly persons, and upon conviction thereof, shall be fined not to exceed fifty dollars or imprisoned in jail for not more than ninety days, or both; provided, however, that any place where a child or children are habitually employed, contrary to the provisions of this section of the act, shall be a disorderly house, and the officers or agents of any corporation, the members of any firm, or any person owning, operating and managing said business, shall be deemed to be guilty of keeping a disorderly house, and upon conviction thereof shall be fined not to exceed one thousand dollars, or shall be committed to jail, not to exceed three years, or both. (As amended by P. L. 1914, ch. 252.)

51. Register to be kept; open to inspection; penalty

SEC. 8. Any corporation, firm or person, owning or operating a place coming under the provisions of this act and employing, allowing or permitting minors under the age of sixteen years to work

therein, shall keep or cause to be kept in the main office of such place, in the town or city in which such place is located, a register in which shall be recorded the names, places of residence and time of employment of all such minors and shall keep on file the age and schooling certificates issued to said minors, as provided and required by law; such registers and age and schooling certificates shall be produced for inspection upon demand of the Commissioner, assistant or any of the inspectors; all police officers, and officers and agents of any society incorporated under the laws of this State for the prevention of cruelty to children, and all attendance officers shall have the same right as inspectors to examine such registers and the age and schooling certificates; the officers or agents of any corporation, the members of any firm or any person failing to keep such register, or failing to keep on file the age and schooling certificates or refusing to permit the persons herein authorized to inspect the register or the certificates, shall be deemed to be disorderly persons, and upon conviction thereof, shall be fined not to exceed fifty dollars or imprisoned not to exceed sixty days, or both. (As amended by P. L. 1914, ch. 252.)

Eight-Hour Law

52. Age and work hours for children, proviso; no Sunday work; penalty; when disorderly house

SEC. 9. No minor under the age of sixteen years shall be employed, permitted or allowed to work in places coming under the provisions of this act more than eight hours in a day or forty-eight hours in a week; *provided*, that during the weeks of each year that any continuation school now established, or which may hereafter be established in the school district or the county in which the minor is employed shall be in session, no minor under the age of sixteen years shall be employed, permitted or allowed to work in any place or places coming under the provisions of this act for more than forty-two hours in each week; nor shall any minor under the age of sixteen years be employed, allowed or permitted to work in any place or places coming under the provisions of this act after seven o'clock in the afternoon or before seven o'clock in the morning of any day; nor shall any child under the age of sixteen years be employed, permitted or allowed to work on the first day of the week, commonly known as Sunday, or any time during said day; any corporation, or the officers

and agents thereof, the members of any firm or the agents thereof, or any parent, parents or custodian of any child who shall violate any of the provisions of this section shall be liable to a penalty not to exceed fifty dollars for each offense. Any place where a child or children are habitually employed contrary to the provisions of this section shall be a disorderly house, and any corporation, or the officers or agents thereof, the members or agents of any firm or any person owning, operating or managing said business shall be deemed to be guilty of keeping a disorderly house, and upon conviction thereof, shall be fined not to exceed one thousand dollars, or shall be committed to jail, not to exceed three years, or both. (As amended by P. L. 1919, ch. 36.)

53. Cleaning machinery

SEC. 21. No minor under sixteen years of age shall be required, allowed or permitted to clean any part of the gearing or machinery in any place coming under the provisions of this act, while the same is in motion, or to work between the fixed or traversing parts of any machinery while it is in motion by the action of steam, water or other mechanical power.

54. Form of legal proceedings; summons; judgment; if execution issue; discharge; fines to State Treasury

SEC. 44. All proceedings brought under the provisions of this act shall be by action of debt, in the name of the Commissioner, to be instituted in any district court of a city, recorders' court of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons returnable in not less than five nor more than ten days, which process shall be served on the owner or owners, person or persons or any of them, owning the place or operating the business wherein the alleged violation of law has taken place; if such owner or owners, person or persons, reside in the county where the offense was committed, or if the owner or owners, person or persons as aforesaid, do not so reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman or person in charge of the business or place; service upon a corporation shall be made upon the president, vice-president, secretary or any director, and if none of them reside in the county where the offense was committed, then service may be made upon the superintendent, foreman or person in charge of the business or place; in case the owner or owners of a building reside without the limits of

the county, then service of the process may be made upon the agent in charge of said building, and if there be no such agent, then service of the process may be made by affixing a copy thereof to the main outer door of such building at least ten days before the return day thereof; all proceedings thereafter shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claim in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such a defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order for the body execution, or one of the justices of the supreme court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all moneys collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

Part-Time Employment

55. Certificate to work part time in factories, etc.; work considered part of schooling; proviso

SEC. 1. It shall be lawful for the Commissioner of Education and the Commissioner of Labor to grant an "Age and Schooling Certificate" to pupils who study part time in vocational schools established under the provisions of Chapter 294 of the Laws of nineteen hundred and thirteen, to work in factories, workshops, mills and all places where the manufacture of goods is carried on, if said pupils shall be above the age of fourteen years; the said children to be employed part time in a factory, workshop or mill designated by the board of education, said employment to be considered as a part of the schooling of said children; provided, that either the said Commissioner of Education or the said Commissioner of Labor may revoke the said certificate at any time without assigning any cause for said revocation; *provided*, that nothing in this act shall be construed to permit children to be employed for more than eight hours in any one day, or more than six days in any week, and in accordance with the provisions of Chapter 252, P. L. 1914, being "An act to amend an

act entitled 'An act regulating the age, employment, safety, health and work hours of persons, employees and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof,' approved March twenty-fourth, one thousand nine hundred and four," which amended act was approved April seventeenth, one thousand nine hundred and fourteen. (Supplement P. L. 1916, ch. 242, approved March 21, 1916.)

(B) Mercantile Establishments

AN ACT regulating the age, employment, safety, health and work hours of persons employed for wages or other compensation in any employment other than in factories, workshops, mills, places where the manufacture of goods of any kind is carried on, mines, quarries, or in agricultural pursuits.—Title as amended by P. L. 1918, ch. 204, approved March 4, 1918.

(P. L. 1911, ch. 136, approved April 7, 1911,

amended by

P. L. 1914, ch. 253, approved April 17, 1914.

P. L. 1918, ch. 204, approved March 4, 1918.

P. L. 1919, ch. 37, approved April 7, 1919.)

56. Minimum age for child labor; penalty; habitual violation a disorderly house

SEC. 1. No child under the age of fourteen years shall be employed, allowed or permitted to work in any mercantile establishment coming within the provisions of this act; any corporation or the officers or agents thereof, the members of any firm or the agents thereof, or any person who shall employ, allow or permit to work in any mercantile establishment any child under the age of fourteen years shall be liable to a penalty of fifty dollars for each offense. Any place where a child or children are habitually employed, contrary to the provisions of this section of the act, shall be a disorderly house, and any corporation, or the officers or agents thereof, the members or agents of any firm or any person owning, operating or managing said business shall be deemed to be guilty of keeping a disorderly house, and upon conviction thereof, shall be fined not to exceed one thousand dollars, or shall be committed to jail, not to exceed three years, or both. (As amended by P. L. 1918, ch. 204.)

57. Age and hours of work for children; proviso; no Sunday work; penalty; when disorderly house

SEC. 2. No child under the age of sixteen years shall be employed, allowed or permitted to work in or in connection with any mercantile establishment unless such child shall produce an age and schooling certificate as provided and required by law, nor shall said child be employed more than eight hours in any one day, or more than forty-eight hours in any one week, or before seven o'clock in the morning or after seven o'clock in the evening; provided, that during the weeks of each year that any continuation school now established, or which may hereafter be established in the school district or the county in which said child is employed, shall be in session, no child under the age of sixteen years shall be employed, permitted or allowed to work in any place or places coming under the provisions of this act for more than forty-two hours in any one week; nor shall any child under the age of sixteen years be employed, permitted or allowed to work on the first day of the week, commonly known as Sunday, or any time during said day. Any corporation, or the officers and agents thereof, the members of any firm, or the agents thereof, any person, or any parent, parents or custodian of any child who shall violate any of the provisions of this section shall be liable to a penalty not to exceed fifty dollars for each offense. Any place where a child or children are habitually employed contrary to the provisions of this section shall be a disorderly house, and any corporation, or the officers or agents thereof, the members or agents of any firm, or any person owning, operating or managing said business, shall be deemed to be guilty of keeping a disorderly house, and upon conviction thereof, shall be fined not to exceed one thousand dollars, or shall be committed to jail not to exceed three years, or both. (As amended by P. L. 1919, ch. 37.)

58. Inspection of mercantile establishments

SEC. 3. It shall be the duty of the Commissioner of Labor, the assistant commissioner, the inspectors of the Department of Labor, the attendance officers or other person empowered by law to compel the attendance of children at school, and any police officer or other person designated by law to protect children from cruelty and neglect, and they shall have power to investigate and inspect all mercantile establishments coming under the intent and provisions of this act, in order to enforce the provisions of this act. (As amended by P. L. 1914, ch. 253.)

59. Record of children employed kept in office; penalty; habitual violation constitutes a disorderly house; penalty

SEC. 4. Any corporation, firm or person owning or operating a place or places coming under the provisions of this act, and employing, allowing or permitting children between the ages of fourteen and sixteen years to work therein, shall keep or cause to be kept in the main office of such place in the town or city in which such place is located, a register or record in which shall be recorded the name, place of residence and time of employments of such minors employed therein, and shall also keep on file the age and schooling certificate of every such child during the time it is employed in said mercantile establishment. Any corporation, or the officers or agents thereof, or the members or agents of any firm, or any person failing to comply with the provisions of this section shall be liable to a penalty of fifty dollars for each offense. Any place where a child or children are habitually employed, contrary to the provisions of this section of the act shall be a disorderly house, and any corporation, or the officers or agents thereof, the members or agents of any firm, or any person owning, operating or managing said business, shall be deemed to be guilty of keeping a disorderly house, and upon conviction thereof, shall be fined, not to exceed one thousand dollars, or shall be committed to jail, not to exceed three years, or both. (As amended by P. L. 1918, ch. 204.)

60. Children not to be employed in unhealthy or dangerous occupations; penalty for habitual violation

SEC. 5. No child under the age of sixteen years shall be employed in any mercantile establishment coming within the provisions of this act in any employment that is detrimental to health or is dangerous to life and limb of a child of that age, or that exposes him to excessive heat or cold, or that requires an excessive muscular exertion that is detrimental to the health and strength of a child of that age, or in the handling of any goods, wares or merchandise that are poisonous, or that give off dust, fumes or gases, or in working around any heated metal, combination of metal or metals or their salts, that give off any dust, fumes or gases that are detrimental to the health, or on, in or around any scaffolding of any character whatsoever or on, in or around any building that is under construction, or in any employment whatsoever which exposes him to conditions that will retard his growth or injure his health, or in any place that is

damp and unhealthy, or that is injurious in any way to the health and strength of a child, or in any place where on account of the light or the nature and character of the work, the child's eyesight or hearing will be injured. Any corporation, or the officers or agents thereof, the members or agents of any firm, or any person who shall employ any child, contrary to the provisions of this section of the act, shall be liable to a penalty of fifty dollars for each offense. Any place where a child or children are habitually employed, contrary to the provisions of this section of the act, shall be a disorderly house, and any corporation, or the officers or agents thereof, the members or agents of any firm or any person owning, operating or managing said business, shall be deemed to be guilty of keeping a disorderly house, and upon conviction thereof, shall be fined, not to exceed one thousand dollars, or shall be committed to jail, not to exceed three years, or both. (As amended by P. L. 1918, ch. 204.)

61. Right of entry for inspection

SEC. 6. The Commissioner of Labor, his assistant, or any inspector or attendance officer, or other person empowered by law to compel the attendance of children at school, or any police officer or any officer or agent for any duly incorporated society or association for the protection of children from cruelty and neglect, is hereby empowered to enter into and inspect at any reasonable time and without notice or request for permission all mercantile establishments coming under the provisions of this act and to demand of any parent, custodian or guardian proof of the age of a child, and such parent, custodian or guardian shall, within five days after such request is made, furnish to such officer proof of such child's age; and in the event of the failure to procure and furnish such proof of age, such child shall be discharged by his or her employer upon notice in writing, signed by the Commissioner, and shall not be re-employed until such proof of age shall have been furnished. (As amended by P. L. 1914, ch. 253.)

62. "Mercantile establishment" defined

SEC. 15. "Mercantile establishment" as used in this act shall be construed to apply to any employment of any person for wages or other compensation other than in a factory, workshop, mill, place where the manufacturer of goods of any kind is carried on, mine, quarry, or in agricultural pursuits. (As amended by P. L. 1918, ch. 204.)

IX. EMPLOYMENT OF FEMALES

(A.) Ten-Hour Law

AN ACT to regulate and limit the hours of employment of females in any manufactory, mercantile establishment, in any bakery, laundry or restaurant, in order to safeguard the health of such employe; to provide for its enforcement and a penalty for its violation.

(P. L. 1912, ch. 216, approved March 28, 1912, as amended by P. L. 1920, ch. 236, approved April 20, 1920, and P. L. 1921, ch. 194, approved April 8, 1921.)

- Sec. 63. Employment of women; proviso; proviso.
- 64. Inspection duties.
- 65. Abstract of law furnished those affected.
- 66. Penalties.
- 67. Proceedings, how brought; service of summons; findings; execution issued.
- 68. "Manufacturing establishments" defined.
- 69. "Mercantile establishments" defined.
- 70. "Bakery" defined.
- 71. "Restaurant" defined.
- 72. "Laundry" defined.
- 73. Validity of sections.

63. Employment of women; proviso; proviso

SEC. 1. No female shall be employed, allowed or permitted to work in any manufacturing or mercantile establishment, in any bakery, laundry or restaurant more than ten hours in any one day, or more than six days, or fifty-four hours in any one week; *provided*, that in hotels or other establishments the business of which is in its nature continuous, and where the working hours for women do not exceed eight hours per day, the provisions of this act shall not apply; *and provided*, that nothing herein contained shall apply to canneries engaged in packing a perishable product such as fruits and vegetables. (As amended by P. L. 1921, ch. 194.)

64. Inspection duties

SEC. 2. It shall be the duty of the Commissioner of Labor, the assistant commissioner or the inspectors and they shall have power to investigate and inspect, all establishments coming under the intent and provisions of this act.

Posting Law

65. Abstract of law furnished those affected

SEC. 3. An abstract of this law shall be prepared and furnished by the Commissioner of Labor to every corporation, firm or person in this State who is affected thereby, and every such corporation, firm or person shall post such abstract of this law and keep it posted, in plain view, in such place that it can easily be read by the employes or operatives in going in or coming out from said manufacturing or mercantile establishment, bakery, laundry or restaurant, and shall also keep a record of the hours of work of each employe in a proper book prepared for that purpose, which book shall be open to the inspection of the department of labor as required.

66. Penalties

SEC. 4. Whoever employs any female or permits any female to be employed in violation of any of the provisions of this act, or fails to carry into effect the requirements as to posting, pursuant to section three, and keeping the record designated in and by said section three of this act, shall be punished for the first offense by a fine of not more than fifty dollars, and for a second offense by a fine of not more than two hundred dollars. (As amended by P. L. 1920, ch. 236.)

Procedure

67. Proceedings, how brought; service of summons; findings; execution issued

SEC. 5. All proceedings brought under the provisions of this act shall be by action of debt, in the name of the Commissioner of Labor, but for the use of the State, to be instituted in any district court of a city, recorders' court of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons, which process shall be served on the owner or owners, person or persons engaged in or operating the business as aforesaid, wherein the alleged violation of the law has taken place. if such owner or owners, person or persons reside in the county where the offense was committed; or if the owner or owners, person or persons as aforesaid do not reside in the county where the offense was committed, then said

process shall be served on the superintendent, foreman or person in charge of the business; service upon a corporation shall be made upon the president, vice-president, secretary or any director, and if none of them reside in the county where the offense was committed, and cannot be found therein, then said service may be made upon the superintendent, foreman or person in charge of the business at least ten days before the return day thereof: all proceedings thereafter shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order for the body execution, or one of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all moneys collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

68. "Manufacturing establishments" defined

SEC. 6. "Manufacturing establishments" as used in this act means any place where articles for use or consumption are regularly made.

69. "Mercantile establishment" defined

SEC. 7. "Mercantile establishment" as used in this act means any place where goods, wares or merchandise are offered for sale.

70. "Bakery" defined

SEC. 8. "Bakery" as used in this act shall include all buildings, rooms or places where biscuits, pies, bread, crackers, cakes and confectionery are made or manufactured for sale.

71. "Restaurant" defined

SEC. 9. "Restaurant" as used in this act means any place where refreshments, both food and drink, and where meals are served to the public.

72. "Laundry" defined

SEC. 10. "Laundry" as used in this act means any place where laundry work is regularly carried on.

73. Validity of sections

SEC. 11. In case for any reason any section or provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act.

(B.) Seats for Women

AN ACT for the protection of the health of females employed in mercantile establishments. (P. L. 1909, ch. 147, approved April 17, 1909.)

Sec. 74. Seats for female employes.

75. Enforcement of act.

76. Penalties.

77. Proceedings; how brought; process served; further proceedings; if execution issue; when discharged.

74. Seats for female employes

SEC. 1. Every individual, firm or corporation, or the managing agent of such individual, firm or corporation, having in his or their employ one or more females engaged in the services and operations incident to any commercial employment, shall provide and maintain seats of a suitable kind, conveniently situated at or near the counter, work bench or other places where her or their work is ordinarily performed, for the use of such females, who shall be allowed free access to such seats at all times except when engaged in the discharge of duties that cannot properly be performed in a sitting position.

75. Enforcement of act

SEC. 2. It shall be the duty of the Commissioner of Labor and his authorized deputies to see that the provisions of this act are carried out in all the mercantile establishments throughout the State in which female labor is employed, and the said Commissioner or one of his deputies shall thereafter at reasonable intervals examine and inspect all such mercantile establishments for the purpose of seeing that the

seats as provided for in this act are fully maintained, and that female employes are permitted to use them freely and without hindrance according to the spirit of this act.

76. Penalties

SEC. 3. Any individual, firm or corporation owning or managing an establishment to which this act applies, who shall fail to comply with its requirements within ten days after the date on which notice to do so has been served by the Commissioner of Labor or one of his deputies shall be liable to a penalty of twenty-five dollars (\$25) for each offense, and a failure to comply within the period of ten days (10) with such repetition of the notice as may be necessary shall each constitute a separate offense.

77. Proceedings; how brought; process served; further proceedings; if execution issue; when discharged

SEC. 4. All proceedings brought under the provisions of this act, shall be by action of debt, in the name of the Commissioner, to be instituted in any district court of a city, recorders' courts of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons, which process shall be served on the owner or owners, person or persons, or any of them, owning the place or operating the business wherein the alleged violation of the law has taken place; if such owner or owners, person or persons reside in the county where the offense was committed, or if the owner or owners, person or persons, as aforesaid, do not reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman, or person in charge of the business or place; service upon a corporation shall be made upon the president, vice-president, secretary, or any director, and if none of them reside in the county where the offense was committed, then service may be made upon the superintendent, foreman or person in charge of the business or place; in case the owner or owners of a building reside within the limits of the county, the service of the process may be made upon the agent in charge of said building, and if there be no such agent, then service of the process may be made by affixing a copy thereof to the main outer door of such building at least ten days before the return day thereof; all proceedings thereafter shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be,

incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant may award an execution to take the body of the defendant, if an individual, and in case such defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order for the body execution or one of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all money collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

X. SWEAT SHOP LAWS

(P. L. 1917, chapter 176, approved March 27, 1917, amendatory of and supplemental to P. L. 1904, chapter 64, approved March 24, 1904.)

Sec. 78. Section thirty-one amended; license to manufacture in dwelling or building in the rear; application for license; six months' license; what application to show; inspection before granting license; when granted; number in room, how determined; license posted; revocation; place kept in sanitary condition; destroy articles on finding contagious disease; not employ parties unlicensed; pertaining solely to family.

79. Section thirty-two amended; penalty for violating preceding sections.

78. Section thirty-one amended; license to manufacture in dwelling or building in the rear; application for license; six months' license; what application to show; inspection before granting license; when granted; number in room, how determined; license posted; revocation; place kept in sanitary condition; destroy articles on finding contagious disease; not employ parties unlicensed; pertaining solely to family.

SEC. 31. No room or rooms, apartment or apartments, in any tenement or dwelling house, or in a building situated immediately in the rear of any apartment, tenement or dwelling house shall be used for the purpose of manufacturing, altering, repairing or finishing therein, for wages or for sale, any articles whatsoever unless a license is secured therefor, as provided in this act.

Application for such a license shall be made to the Commissioner of Labor by any family or a member thereof, or any person, firm or corporation desiring to manufacture, alter, repair or finish any such articles in any room or apartment in any tenement or dwelling-house or by any person, firm or corporation desiring to perform such work in any building in the rear of any tenement or dwelling-house. Each license shall run continuously for a period of six months, whereupon a new or further license must be obtained. Each application for such a license shall describe the room or apartment, shall specify the number of persons to be employed therein, and shall be in such form as the Commissioner of Labor may determine. Blank applications shall be prepared and furnished by the Commissioner of Labor. Before any such license is granted an inspection of the room, apartment or building sought to be licensed shall be made by the Commissioner of Labor, factory inspector or in the discretion of the Commissioner of Labor by any local board of health or its inspector or inspectors. If the Commissioner of Labor or such inspectors as herein provided for ascertain that such room, apartment or building is in a clean and proper sanitary condition, and that the articles specified in this section may be manufactured therein under clean and healthful conditions, he shall grant a license permitting the use of such room, apartment or building for the purpose of manufacturing, altering, repairing or finishing such articles. Each license shall state the maximum number of persons who may be employed in the room or rooms to which such license relates. The number of persons to be so employed shall be determined by the number of cubic feet of air space contained in each room or apartment mentioned in such license, allowing not less than two hundred and fifty cubic feet for each person employed between the hours of six o'clock in the morning and six o'clock in the evening, unless by special written permit of the Commissioner of Labor, and not less than four hundred cubic feet for each person employed therein between the hours of six in the evening and six in the morning, but no permit shall be issued unless such room or apartment has suitable light at all times during such hours as such persons are employed therein.

Such license must be posted in a conspicuous place in the room or apartment to which it relates. It may be revoked by the Commissioner of Labor if the health of the community or of the employees requires it, or if it appears that the rooms or apartments to which such license

relates are not in a healthy and proper sanitary condition. Every room or apartment in which any of the articles named in this section are manufactured, altered, repaired or finished shall be kept in a clean and sanitary condition, and shall be subject to examination and inspection by the Commissioner of Labor, factory inspectors, or local boards of health for the purpose of ascertaining whether said garments or articles, or any part or parts thereof, are clean and free from vermin and every matter of infectious or contagious nature.

If the Commissioner of Labor, factory inspector or local board of health shall find evidence of infectious or contagious disease present in any workshop, or in goods manufactured or in process of manufacture therein, the Commissioner of Labor, factory inspector or local board of health shall issue such orders as the public health may require and shall condemn and destroy such infectious and contagious articles.

31a. No person, firm or corporation shall hire, employ or contract with any member of a family, or any person, firm or person not holding a license therefor, to manufacture, alter, repair or finish any articles whatsoever in any room or apartment in any tenement or dwelling or any room or apartment in any building situated in the rear of a tenement or dwelling-house, as aforesaid, and no person, firm or corporation shall receive, handle or convey to others or sell, hold in stock or expose for sale any articles whatsoever unless made under the sanitary conditions and in accordance with this act. This act shall not prevent, however, the employment of a tailor or seamstress by any person or family for the purpose of making, altering, repairing or finishing any articles of wearing apparel for such person or for family use, and shall not prevent such employment by women's exchanges or philanthropic associations not organized for pecuniary profit. (As amended by P. L. 1917, ch. 176.)

79. Section thirty-two amended; penalty for violating preceding sections.

SEC. 2. Section thirty-two of the act to which this act is an amendment shall be and the same is hereby amended so as to read as follows:

SEC. 32. Any person, firm or corporation being the owner, lessee or occupant of the place or places to which the preceding sections or any part thereof relate, shall, for the violation of any of the provisions

therein, be liable to a penalty of fifty dollars for the first offense and one hundred dollars for each succeeding offense.

P. L. 1917, chapter 229, approved March 29, 1917. Supplemental to P. L. 1904, ch. 64, approved March 24, 1904.

Sec. 80. Working and sleeping rooms separate; entrance; sanitary conditions.

81. Register of persons to whom work is given.

82. Food, dolls' or children's clothing not made in tenement.

83. Penalty for violations.

80. Working and sleeping rooms separate; entrance; sanitary conditions

SEC. 1. The Commissioner of Labor may, when he deems it necessary, require that all rooms or apartments used for the purpose of manufacturing, altering, repairing or finishing therein any articles as mentioned in section thirty-one of the act of which this act is a supplement shall be separate from and have no door, window or other opening into any living or sleeping room or any tenement or dwelling, and that no other rooms or apartments shall be used at any time for sleeping purpose and shall contain no bed, bedding or cooking utensils. He may further require or direct a separate outside entrance to the rooms or apartments where the work is carried on, and if such work is carried on above the first floor, then there may be directed a separate and distinct stairway leading thereto, and every such room or apartment shall be well and sufficiently lighted, heated and ventilated by ordinary, or, if necessary, by mechanical appliances. He may also require suitable closet arrangements and separate toilets when and as he deems it necessary.

81. Register of persons to whom work is given

SEC. 2. Any person, firm or corporation, by themselves or by their agents or managers, contracting for the manufacturing, altering, repairing or finishing of any articles whatsoever, as mentioned in section thirty-one of the act of which this is a supplement, or giving out material for which they or any part of them are to be manufactured, altered, repaired or finished, shall keep a register of the names and addresses plainly written in English of the persons to whom such article or articles are given to be so manufactured, altered, repaired or finished, or with whom they have contracted to do the same.

Such register shall be subject to inspection on demand by the Commissioner of Labor or factory inspectors, and a copy thereof shall be furnished at his or their request.

82. Food, dolls' or children's clothing not made in tenement

SEC. 3. No articles of food, no dolls, dolls' clothing and no article of children's or infants' wearing apparel shall be manufactured, altered, repaired or finished in whole or in part for a factory, either directly or through the instrumentality of one or more contractors or third persons in a tenement house, in any portion of an apartment, any part of which is used for living purposes.

83. Penalty for violations

SEC. 4. Any person, firm or corporation, being the owner, lessee or occupant of the place or places to which the preceding sections or any part thereof relate, shall, for the violation of any of the provisions herein, be liable to a penalty of fifty dollars for the first offense, and one hundred dollars for each succeeding offense.

XI. MESSENGER SERVICE LAW

AN ACT regulating the employment of persons as messengers for the distribution, transmission or delivery of goods, messages or the performance of other service. (P. L. 1911, chapter 363, approved May 2, 1911.)

Sec. 84. Night messenger service; proviso.

85. Penalty.

86. Department of Labor to inspect and enforce law.

87. Proceedings; how brought; summons; if owner non-resident; service on corporations; executions; fines into State Treasury.

84. Night messenger service; proviso

SEC. 1. No person under the age of twenty-one years in cities of the first class, and no person under the age of eighteen years in other municipalities, shall be employed or permitted to work as a messenger for or by any telegraph, telephone or messenger corporation, firm or person owning, engaged in or operating the business of distributing, transmitting or delivering goods or messages or in the performance of

other service, before five o'clock in the morning or after ten o'clock in the evening of any day: *provided*, that the Commissioner of Labor shall have the power to grant permits under extraordinary circumstances for the delivery of telegrams or telephone messages between the hours of ten p. m. and five a. m.

85. Penalty

SEC. 2. Any such corporation, firm or person engaged in or operating the business of distributing, transmitting or delivering goods or messages as aforesaid, who shall violate any of the provisions of this act, shall be liable to a penalty of one hundred dollars for each offense, to be sued for in an action of debt, for the use of the State as hereinafter provided. Any repetition or repetitions thereof shall each constitute a separate offense.

86. Department of Labor to inspect and enforce law

SEC. 3. It shall be the duty of the Commissioner of Labor and his authorized deputies to enforce the provisions of this act, and to examine and inspect at reasonable intervals, the business and practice of all telegraph, telephone or messenger corporations, firms and persons owning, engaged in or operating the business of distributing, transmitting or delivering goods or messages or in the performance of other service, for the purpose of enforcing the provisions of this act.

87. Proceedings; how brought; summons; if owner non-resident; service on corporations; executions; fines into State Treasury

SEC. 4. All proceedings brought under the provisions of this act shall be by action of debt, in the name of the Commissioner of Labor, but for the use of the State, to be instituted in any District Court of a city, recorders' courts of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons, which process shall be served on the owner or owners, person or persons, engaged in or operating the business as aforesaid wherein the alleged violation of the law has taken place, if such owner or owners, person or persons reside in the county where the offense was committed; or if the owner or owners, person or persons as aforesaid, do not reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman or person in charge of the business: service upon a corporation shall be made upon

the president, vice-president, secretary or any director, and if none of them reside in the county where the offense was committed, or cannot be found therein, then said service may be made upon the superintendent, foreman or person in charge of the business, at least ten days before the return day thereof; all proceedings thereafter shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order for the body execution or one of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs: all moneys collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

Bureau of Structural Inspection

- XII. Approval of Plans.
- XIII. Fire Protection.
- XIV. Factory Elevators—Construction and Maintenance.
- XV. Interlocks on Passenger Elevators.
- XVI. Scaffolding—Construction and Inspection.

XII. APPROVAL OF PLANS

Code—Schedule of Approval Fees.

AN ACT to authorize the Commissioner of Labor to charge a fee for the approval of plans of buildings, for issuance of certificates of approval for work performed, and for publications of the Department of Labor.

(P. L. 1918, ch. 17, approved Feb. 9, 1918.)

- Sec. 88. Fees for approving plans and issuing certificate.
- 89. Fee for publications.
- 90. Moneys paid into State Treasury.

88. Fees for approving plans and issuing certificate.

SEC. 1. The Commissioner of Labor is hereby authorized to charge a fee of not less than one dollar nor more than five dollars for the issuance of a certificate of approval of any plans or specifications required by any law or regulation of the Department of Labor of this State to be submitted to him for his approval. Said Commissioner shall also be authorized to charge a fee of not less than one dollar nor more than five dollars for the issuance of any certificate of approval of any factory building or of any alteration or new work performed therein, upon the recommendation of said Commissioner. Said Commissioner shall be governed in fixing the fees above mentioned by the amount of trouble and expense involved in the examination of said plans, specifications or work.

89. Fee for blue prints, publications, etc.

SEC. 2. The Commissioner of Labor is hereby authorized to charge a reasonable fee for blue prints, literature and publications issued by the Department of Labor.

90. Moneys paid into State Treasury

SEC. 3. The moneys paid to the Commissioner of Labor under this act shall be paid by him to the Treasurer of the State of New Jersey.

XIII. FIRE PROTECTION

Code—Specifications for Fire Towers, Fire Escapes, Fireproofing of Doors and Windows, in connection with Fire Escape Construction. (P. L. 1911, chapter 214, approved April 24, 1911, Supplementary to P. L. 1904, chapter 64.)

Sec. 91. Fire escapes and protection.

(A) Buildings Now Used For Factory Purposes

92. Number of fire escapes.

93. Location of doors, windows, etc., changes may be ordered in existing escapes, etc.

(B) New Buildings To Be Used For Factory Purposes.

94. All plans for fire escapes, etc., approved by Commissioner of Labor.

95. Inside stairways and outside escapes, inside openings enclosed in fireproof material; fire stops.

96. Construction of fire escapes; stairways; balconies; well-holes; entrances.

97. Floors of balconies; brackets; openings for stairways.

98. Balcony rails.

99. Construction of stairway; load; treads; width; handrails; posts.

100. Spacing and setting of brackets.

101. Balanced stairway at bottom; gooseneck ladders.

102. Painting.

(C) General Provisions.

103. Order to enforce act; penalty for neglect; may close building; notice given; penalty for use of closed buildings; penalty clause.

104. Act, how construed, municipal orders.

105. Estimated use of stairways and escapes.

106. Exit to roof; partitions; water and sand provided; inflammable material; doors and handrails; escapes must be approved; doors indicated and approaches not obstructed; fire tower; exits.

91. Fire escapes and protection

SEC. 1. Every factory, workshop, mill or place where the manufacture of goods of any kind is carried on, shall hereafter, under the supervision and direction of the Commissioner of Labor, be provided with ample and proper ways and means of egress or escape in emergency arising from fire or otherwise, sufficient for the use of all persons therein, and as well shall be protected, so far as practicable, against the origin and spread of fire.

(A) Buildings Now Used For Factory Purposes

92. Number of fire escapes

SEC. 2. Buildings two stories in height used for any purpose as stated in paragraph one at the time this act becomes effective, shall have at least two means of egress from the second story thereof, placed as far as possible at opposite ends of the room or building. Such egress may be provided by inside stairways or outside fire escapes, or both, and doors communicating therewith, as the said commissioner shall direct. Buildings more than two stories in height used for any purpose as stated in paragraph one at the time this act becomes effective, shall have at least two means of egress communicating with each story thereof, one of which shall be an inside stairway and one an outside fire escape. The said commissioner shall have power to order the construction of a second inside stairway and additional outside fire escapes, doors and windows as in his judgment are necessary to furnish proper and adequate protection to the inmates of such building.

93. Location of doors, windows, etc., changes may be ordered in existing escapes, etc.

SEC. 3. All such fire escapes, stairways, doors and windows shall be located at such places in or on said buildings, and shall include as many stories and doors thereon as the commissioner shall direct. All such stairways, fire escapes, doors and windows added by order of the commissioner shall conform to the requirements and standards established by this act for new buildings. The commissioner is hereby given authority to order such changes in existing stairways, fire escapes and elevator shafts, doors and windows as may in his judgment be necessary to establish them as safe and proper means of egress.

Any existing fire escape or stairway which in the judgment of the commissioner cannot be made safe and proper by alteration shall be condemned, removed and replaced as the commissioner shall direct.

(B) New Buildings To Be Used For Factory Purposes

94. All plans for fire escapes, etc., approved by commissioner

SEC. 4. No building shall hereafter be erected, nor any building not now used for factory purposes be adopted for such use, nor any addition be constructed, more than two stories in height, unless the plans and specifications, as to stairways, elevator shafts, fire escapes and doors and windows, ventilation and sanitation therefor be first submitted to and approved by the commissioner upon the advice of the Department of Charities and Corrections. With such plans and specifications shall be submitted an estimated number of employes to be engaged upon each story or separated subdivision of any story of the proposed building. Such buildings two stories in height shall conform to the provisions of paragraph two.

95. Inside stairways and outside escapes; inside openings enclosed in fire-proof material; fire stops

SEC. 5. Buildings referred to in paragraph four, more than two stories in height, shall be equipped with one or more inside stairways and one or more outside fire escapes, the number, location and construction thereof to be approved by the Commissioner. All stairways and elevator shafts in such buildings shall be enclosed in walls of fire-proof or fire-resisting material, which shall run from the foundations to and through the roof; the stairways shall be constructed as nearly as possible of fire-proof or fire-resisting material, and all entrances thereto shall be protected by doors of fire-proof or fire-resisting material. The Commissioner of Labor may require that proper fire-stops shall be provided in the floors, walls and partitions of such buildings, and may make such further requirements as may be necessary or proper to prevent the origin or spread of fire therein.

96. Construction of fire escapes; stairways; balconies; well-holes; entrances to escapes

SEC. 6. The fire escapes shall be constructed according to specifications to be issued or approved by the Commissioner of Labor, and

shall, as near as practicable, conform to the requirements of this act; and shall consist of outside iron balconies, and stairways at each floor above the first, connecting said balconies to the ground, except in the case of a fire escape over a public highway, or private driveway, when balanced stairs shall connect the lowest balcony to the ground in a manner hereinafter specified; the stairways shall be placed at a slope no steeper than forty-five degrees, or as near as possible thereto, and shall be, where practicable, on the straight run type similar to a flight of stairs; the balcony on the top floor shall be provided with a goose-neck ladder leading from said balcony to and above the roof, when ordered by the Commissioner. Fire escapes may project into the public highway to a distance not greater than four feet six inches beyond the building line. The balconies shall not be less than four feet wide in the clear, when one balcony is placed directly above another, and three feet when the escape is constructed on the straight run plan, taking in at each story above the ground floor at least one door of each part of building separated by inside walls; they shall be not more than one foot below the door sills, and extend in front of and not less than nine inches beyond each door; there shall be a landing not less than twenty-four inches square at the head and foot of each stairway; the stairway well-hole on each platform shall be of a size sufficient to provide a clear headway, and shall be protected by a railing similar to that provided for balance of platform. All entrances to fire escape platforms shall be made by means of doors, which must be cut down to the level of the floor, except when some other construction is specified by the Commissioner of Labor. The doors shall open in the manner designated by the Commissioner of Labor. All doors or windows opening onto a fire escape or directly under a fire escape shall be metal-covered and all glass used therein shall be wire glass.

97. Floors of balconies; brackets; openings for stairways

SEC. 7. The floors of balconies shall be of wrought iron slats not less than two inches by three-eighths inch refined flat wrought iron placed not more than one inch apart, and well secured and riveted at each intersection with three-eighths inch rivets, the iron runners not less than one and three-quarters inch by one and three-quarters inch by one-quarter inch gusset plate placed at point of bracket one-quarter inch thick. Brackets to be riveted together with one-half inch rivets driven hot concentric with sections, riveted together in such a

manner that the holes are completely filled, and rivets must be well rounded; wall connections to be provided with one fifteen-sixteenths inch hole. For frame buildings to have feet turned down two inches on lower flange of angle with eleven-sixteenths inch hole in same. For brick, stone or cement buildings to extend in wall one and one-half inches. The openings for stairways in all balconies shall not be less than twenty-four inches wide, and such openings shall have no covers of any kind; the platforms of balconies shall be constructed and erected to safely sustain in all their parts a safe load of not less than eighty pounds per square foot, utilizing a ratio of four to one between the safe working load and the ultimate strength of all parts.

98. Balcony rails

SEC. 8. All balcony rails shall in no case be less than three feet above the floor of balcony, and shall extend around the entire platform, and in all cases shall go through the wall at each end and be worked out to three-quarters inch both sides and be properly secured by nuts with washers at least four inches square and three-eighths inch thick, and no top rail shall be connected at angles by gray cast iron. The top rail of balconies shall be one three-quarters inch by one-half inch of wrought iron, or one three-quarters inch angle iron at least three-sixteenths of an inch thick, or a three run three-quarters inch inside diameter wrought iron pipe railing, all pipe railings to be continuous. The bottom rails shall in no case be more than eight inches above the floor of balcony, and shall be of one one-half inch by three-eighths inch wrought iron, or of one one-half inch angle iron at least three-sixteenths of an inch thick, all leaded or cemented into the wall; the standard or filling-in bars shall not be less than five-eighths inch round or square wrought iron well riveted to the top and bottom rails, and shall be placed not more than six inches apart, and the lower rail of the platform shall be riveted or bolted to the frame of platform in such a manner as approved by the Commissioner of Labor. Where the three run pipe-rail is adopted for the balcony railing no additional filling-in bars will be required.

99. Construction of stairway; load; treads; width; handrails; posts

SEC. 9. The stairway shall be constructed and erected to fully sustain all parts and carry a safe load of not less than one hundred pounds per square foot, utilizing a ratio of four to one between the

safe working load and the ultimate strength of all parts, with the exception of the tread which must safely stand at said ratio a concentrated load of two hundred pounds. The treads shall be not less than seven inches wide in the clear, and the rising of each step not more than nine inches; the treads shall be constructed of two pieces of one one-quarter inch by one one-quarter inch by three-sixteenths inch* angles and one piece of two one-half inch by three-sixteenths inch* flat riveted on each end with five-sixteenths inch rivets to one one-quarter inch by three-sixteenths inch* angles. Each step will have one piece of one inch by one inch by one-eighth inch angle riveted to each of the side angles forming the step and a two one-half inch by three-sixteenths* inch slat between same with five-sixteenths inch counter-sunk rivets on top, such stiffener to be located in the centre of steps. The stairs shall be not less than twenty-four inches wide between inside of strings, and there shall remain a clear passageway between the stairway and wall. The strings shall be not less than six inches by one-quarter inch flat wrought refined iron. Stairways to be connected to platforms by two one three-quarter inch by three-eighths inch flat wrought iron hooks, one on each side, both secured by two half-inch bolts. The stairs shall have a hand rail of not less than three-quarters inch inside diameter round wrought iron pipe, to be of double run pattern, railing to connect at top and bottom to platform; posts to be not less than thirty-six inches in a vertical line from top of step to top run of railing. All posts to be of three-quarter inch inside diameter wrought iron, pipe to be spaced at intervals not greater than six feet and all fittings to be standard malleable iron; said pipe posts to be secured to the stairway runners by seven-sixteenths inch U bolts. The pipe posts must not be flattened where connection is made to stair runners, but must extend to bottom of said runners in its full and original shape.

100. Spacing and setting of brackets

SEC. 10. Brackets shall be placed not more than four feet apart, and shall extend across full width of balcony and on new buildings shall be set as walls are being built.

* Department of Labor regulation requires that in all steps, angles and flats shall be one-quarter inch thickness instead of three-sixteenths inch thickness.

101. Balanced stairway at bottom; goose-neck ladders

SEC. 11. Proper balanced stairways of a cantilever type or such other style as may be approved by the Commissioner of Labor reaching to a safe landing place below on the ground, shall be provided from the lower balcony of any fire escape over a public highway or private driveway in place of a stairway and when the floor of such balcony is more than sixteen feet above the sidewalk or ground, a suitable landing platform shall be provided; such platform shall be located not more than ten feet above the ground and shall be connected with the balcony above by means of a stairway constructed as this act requires for stairways between balconies; such platform shall not be less than three feet in width and four feet long and provided with railings as before specified for balconies, and the ground shall be reached in the manner specified for lower balconies not more than sixteen feet in height or by such other method as may be approved by the Commissioner of Labor; the gooseneck ladder shall be securely bolted through the wall of the building and the strings shall extend at least thirty inches above the roof and return down and be secured to same; there shall be a space of not less than fourteen inches between such ladder and the outer rail of balconies.

102. Painting

SEC. 12. All the parts of such fire-escapes shall receive not less than two coats of paint, one in the shop and one after erection, and shall be painted thereafter at least once in each year.

(C) GENERAL PROVISIONS

103. Order to enforce act; penalty for neglect; may close building; notice given; penalty for use of closed building; penalty clause.

SEC. 13. The commissioner shall have power to enforce the provisions of this act by order in writing served upon the owner or owners of any building coming within the operation of this act, specifying the directions to be executed and the time limited for the completion thereof. Any person, firm or corporation failing or neglecting to comply with the terms of such order within the time therein limited, or any extension thereof granted by the said commissioner, shall be liable to a penalty of one hundred dollars for such failure and to a further penalty of ten dollars for each day that shall elapse after

the expiration of the time limit until compliance is made with the terms of such order. If the order is not complied with within the time limited, in addition to the foregoing penalty, the commissioner shall forthwith cause the said building to be closed for manufacturing purposes until such order is complied with. The commissioner shall give the owner of such building twenty-four hours' notice, in writing, of a closing order, and then shall post on the doors of such building a notice that such building has been closed for manufacturing purposes pending compliance with an order of the Department of Labor. If the said building shall be used for any manufacturing purpose until such order shall have been revoked by the said commissioner upon compliance with said order, the owner of such building shall be liable to a penalty of one thousand dollars.

For violation of any mandatory portion of this act, if an order of the commissioner with reference thereto have not been issued, the owner of such building shall be liable to a penalty of one hundred dollars.

104. Act, how construed, municipal orders

SEC. 14. The provisions of this act shall be construed as furnishing minimum requirements for the guidance of said Commissioner of Labor; he may multiply or add such requirements as in his judgment are necessary and proper in each particular instance, and the orders of the said commissioner shall be construed as the minimum requirements in each particular case. No municipality shall issue orders or permits in derogation thereof, but any municipality may require, in addition thereto, such precautions or devices as are not inconsistent with the provisions of this act, but the municipality shall be responsible for the enforcement of the orders issued under its authority.

105. Estimated use of stairways and escapes

SEC. 15. All installation of fire escapes or stairways shall be made with reference to the maximum number of persons to be employed upon each story of any building or separated subdivision thereof, a statement of which number shall be posted by the owner upon the wall of each story or separated subdivision thereof, so as to be visible at all times. Under no circumstances shall this number, when once ascertained and installation of fire escapes and stairways be made with reference thereto, be exceeded, except by permission of the commissioner.

106. Exit to roof; partitions; water and sand provided; inflammable material; doors and handrails; escapes must be approved; doors indicated and approaches not obstructed; fire tower; exits

SEC. 16. In all buildings not detached, a stairway running from the top floor to the roof by means of a bulkhead may be ordered by the commissioner.

No partitions which interfere with established means of egress shall be erected unless by approval of the commissioner.

Pails of water and of sand shall be provided and located as ordered by the commissioner.

A suitable disposition shall be made of all inflammable articles and suitable waste cans or barrels shall be provided for the proper handling of sweepings, oily waste or other combustible material, as directed by the commissioner.

Such doors and handrails may be required on stairways as may be approved by the commissioner.

No fire escapes shall be constructed without the approval of the Commissioner of Labor, unless specifically required by municipal authorities.

Doors leading to fire escapes shall be clearly indicated by signs posted or painted on the walls above or at the side of such doors. The approaches to such doors shall be kept free and unobstructed at all times.

A fire tower approved by the commissioner may be substituted for an inside stairway or outside fire escape.

All exit doors throughout the building shall open outwardly, or be sliding doors, and if kept closed during working hours, shall be fastened only in such manner as to be capable of ready and immediate opening from the inside.

XIV. FACTORY ELEVATORS—CONSTRUCTION AND MAINTENANCE

Code—Standard Specifications for Elevators Located in Factory
Buildings.

(P. L. 1913, chapter 183, approved April 1, 1913, supplemental to
P. L. 1904, chapter 64.)

- Sec. 107. Elevators in factories, etc.**
- 108. Signs posted.
 - 109. Car enclosures; four-corner lift type.
 - 110. Floor construction.
 - 111. Lifting cables.
 - 112. Counterweights.
 - 113. Counterweights enclosed.
 - 114. Grating under sheaves.
 - 115. Clearance at top and bottom of shaft, exceptions.
 - 116. Machinery enclosed; free access provided.
 - 117. Covering on cars.
 - 118. Carrying beams.
 - 119. Safety locks.
 - 120. Trap doors in cars.
 - 121. Gates, height of; construction; chains.
 - 122. Tell-tale chains.
 - 123. Gates to be controlled by operator.
 - 124. Locking device.
 - 125. Specifications to be submitted to department of labor.
 - 126. Certificate for use of elevators.
 - 127. Penalty for violations; penalty for continuing violations.
 - 128. Unsafe elevators not to be used; twenty-four hours' notice; penalty for violations.
 - 129. Penalties—how recovered.

107. Elevators in factories

SEC. 1. Every elevator located in any factory, workshop, mill or place where the manufacture of goods of any kind is carried on shall conform in every respect to the specifications and requirements hereafter named.

108. Signs posted

SEC. 2. Such elevator shall have fastened in a conspicuous place therein a metal plate having suitable raised letters on same, which shall designate the number of pounds weight said elevator is constructed to safely carry. Such sign shall be of such character and shall be so placed as to be easily read from any part of such elevator.

109. Car enclosures; four-corner lift type

SEC. 3. All elevator cars except door openings shall be suitably enclosed with substantial material to a height of at least six feet, and the construction properly braced. If enclosed with wood, the same shall be not less than seven-eighths of an inch in thickness, and said enclosure shall be of a solid construction to a height of at least four feet from the floor of the car. Construction extending higher than the solid enclosure shall have material that will not have more than one inch open space between members of same and shall be protected at the top by an angle iron or bar iron brace rail. Carriage elevators of the four-corner lift type shall be limited to a one-story lift and the counterweights in connection with same must be enclosed on the shaft. No enclosure for car platforms of the type of elevator last mentioned shall be required.

110. Floor construction

SEC. 4. There shall be not more than one and one-quarter inches space between the floor of the car and the floor saddles and where the saddles project in the shaft, the same shall be properly beveled or protected on the under side. The under side of the car must be of incombustible materials.

111. Lifting cables

SEC. 5. Lifting and weight cables shall have at least one full turn of the cable on the drum when they have reached the limit of travel. Where overhead machines are installed, the use of equalizer arms and counterweights on the car will be permitted. Every elevator shall have not less than two lifting cables independently connected with the car and to each set of counterweights; provided, however, in case of any elevator now in use in any such building the Commissioner of Labor may permit the installation of an effective safety device in lieu of the two independent lifting cables when, in the judgment of said commissioner, it would be impossible to provide two independent lifting cables for such elevator without unreasonable expense. This section shall not apply to hand-power elevators.

112. Counterweights

SEC. 6. All counterweights shall have their sections strongly bolted together and shall be so constructed that they cannot fall on any part of the elevator or machinery.

113. Counterweights enclosed

SEC. 7. If counterweights run in the same shaft as the car, they shall be protected with a substantial screen of iron which shall extend from the top grating in the shaft to a point at least five feet below such grating, and with a like screen which shall extend from the bottom of the shaft upward for at least ten feet.

114. Grating under sheaves

SEC. 8. Immediately under the sheaves at the top of every elevator shaft there shall be provided and securely fastened to the shaft a substantial grating of iron or steel having not more than one and one-half inches space between any two members, except at the spaces necessary to be provided for cables to pass through.

115. Clearance at top and bottom of shaft; exceptions

SEC. 9. There shall be not less than three feet clearance between the top of each counterweight and the under side of overhead beams when the car is resting on the bumpers. A clear space of not less than three feet must be provided between the bottom of the shaft and lowest point of the under side of the car floor when the car is at its lowest landing and between the top of crosshead of the car and the under side of the overhead grating when the car is at its top landing. In case in the opinion of the Commissioner of Labor it shall be impossible, without unreasonable expenditure, to make any elevator now in use in such building comply with any or all of the requirements of this section, such requirements may be dispensed with by said commissioner.

116. Machinery enclosed; free access provided

SEC. 10. All parts of the elevator machinery shall be properly enclosed by suitable partitions of incombustible materials, and such enclosures must be lighted, except in the case of machines suspended from ceiling, and in such case, machines so suspended shall be protected by platforms under same composed of incombustible material. Free and safe access must be provided to all parts of elevator machinery.

117. Covering on cars

SEC. 11. All elevators shall have a covering on the top of the car of expanded metal or wire mesh of sufficient thickness and spaced not more than two-inch centers.

118. Carrying beams

SEC. 12. The carrying or sheave beams for all machinery shall be of wrought iron or steel.

119. Safety locks

SEC. 13. All elevators operated by hand rope shall be equipped with safety cable locks on each floor.

120. Trap doors in cars

SEC. 14. All elevators shall have a trap door in top of car of such size as to afford an easy egress for passengers, or where two cars are in the same shaft such means of egress may be provided in the side of the car.

121. Gates, height of; construction, chains

SEC. 15. All gates at entrance to elevator shafts shall be semi-automatic or automatic in their action. Every such gate shall be not less than five feet six inches in height unless such gate is placed at a distance of at least twelve inches from the car running line, in which case such gate shall be at least three feet six inches in height. All gates must extend to a distance of not more than ten inches from the floor. All semi-automatic or automatic elevator gates shall be constructed in a substantial manner, providing either solid or open construction. If open construction is adopted, not more than two inches between any member shall be permitted. All gates shall run in grooves and shall have at least one inch bearing in each groove and a clearance of not less than one-quarter of an inch provided on both sides of gate. All counterweights for gates shall be enclosed by a pipe well or an enclosure equally as good, which must be approved by the Commissioner of Labor. Gates exceeding three feet six inches in width shall contain top and center reinforcement braces. All anchors, brackets and connections for grooves and gates shall be of wrought or malleable iron. Substantial chains or cables connecting gates with counterweights must be provided and securely fastened to same. Pulleys for chains or cables shall be recessed sufficient to allow said chain or cables used to set safely in same, and provided with wrought iron, U-shape, or similar protections to prevent same from slipping off the pulleys. Pulleys shall be securely bolted to wall. Gates shall be constructed of wood or of any other material approved by the Commissioner of Labor.

122. Tell-tale chains

SEC. 16. All elevators having shaft gates less than five feet six inches in height shall be equipped with tell-tale chains fastened to the bottom of the car not less than four feet in length and spaced not more than six-inch centers.

123. Gates to be controlled by operator

SEC. 17. All doors or gates leading to any passenger elevator shaft shall be opened only from the shaft side so as to be controlled only by the operator of the car, and said shaft doors or gates shall be closed immediately the car is put in motion.

124. Locking device

SEC. 18. All cars not operated by a permanent attendant shall be equipped with an approved locking device.

125. Specifications to be submitted to department of labor

SEC. 19. Before any elevator shall be hereafter installed in any such building, or before any elevator now in use in any such building shall be altered, the owner of such building shall, either by himself or his agent or architect, submit to the Commissioner of Labor, for his approval, plans or specifications in duplicate, which plans shall show the type of construction of car enclosures and gates to be used for such elevator, together with the location of gates in connection with the elevator shaft.

126. Certificate for use of elevators

SEC. 20. No elevator hereafter installed in any such building or no elevator now in use in any such building, which shall be hereafter altered in any particular covered by the provisions of this act shall be put into service until a certificate has been obtained therefor, which certificate shall be signed by the Commissioner of Labor and shall recite the fact that such elevator complies in all respects with the requirements of this act.

127. Penalty for violations; penalty for continuing violations

SEC. 21. The owner of any building mentioned in the first section of this act in which building is located an elevator which does not comply in all respects with the provisions of this act shall be guilty of

a violation of this act and shall be liable to a penalty of fifty dollars, and every person who shall violate the provision of any section of this act shall be liable to a penalty of fifty dollars. If, after conviction of any violation of this act, said violation shall continue for a period of three months, such person so convicted shall be liable to a penalty of two hundred dollars for such continuance. Every continuance of such offense for a period of three months after the entry of judgment for two hundred dollars shall be considered a separate offense, for each of which separate offenses the person so violating this act shall become liable to a penalty of two hundred dollars.

128. Unsafe elevators not to be used; twenty-four hours' notice; penalty for violations

SEC. 22. In case any elevator located in any building mentioned in section one of this act shall not comply with the provisions of this act and shall be in such a condition that its operation, in the judgment of the Commissioner of Labor, is hazardous to the persons using the same or to the persons employed in such building, the said Commissioner of Labor shall forthwith prevent the further use of such elevator until the same is made to comply with the provisions of this act. The Commissioner of Labor shall give to the owner of such building and to the occupant thereof, in case the same is occupied by some person other than the owner, twenty-four hours' notice in writing of an order forbidding the further use of such elevator, as aforesaid, and at the expiration of such notice shall post at each entrance to such elevator on each floor, a notice that the use of such elevator has been forbidden by an order of the Department of Labor. Such elevator shall not be used after the posting of such notices until a certificate shall be issued by the Commissioner of Labor stating that such elevator complies with all of the provisions of this act. The owner of such building, if he be the occupant of the building, or the occupant of the building, in case the owner is not the occupant, shall, for any violation of this section, be liable to a penalty of two hundred dollars for each offense.

129. Penalties—how recovered

SEC. 23. All penalties for violation of any of the provisions of this act shall be sued for and recovered by the Commissioner of Labor of the State of New Jersey for the use of said State in the same way and manner as penalties incurred by violation of the act to which this act is a supplement.

XV. INTERLOCKS ON PASSENGER ELEVATORS

Code—Passenger Elevator Interlock Specifications.

AN ACT to secure safety in the operation of passenger elevators.
(P. L. 1916, ch. 260, approved Mar. 22, 1916.)

Sec. 130. Device to prevent moving until door is closed.

131. Approval of device.

132. Enforcement of act; penalty for not complying with law.

133. Collection of penalties.

134. Bringing proceedings; summons; service of summons; proceedings in action of debt; execution.

135. Act does not nullify existing regulations.

130. Device to prevent moving until door is closed

SEC. 1. Every elevator moving in a vertical shaft, used for carrying passengers now existing and in use, or hereafter constructed or installed, shall, within two years after this act becomes effective, have placed thereon or attached thereto some interlocking device that will automatically prevent the elevator car from being moved in either direction until the shaft door or gate at which the elevator car is standing is closed and securely fastened.

131. Approval of device

SEC. 2. Every device, before being used or installed under the provisions of this Act, in any building which comes within the jurisdiction of the State Department of Labor, under the labor laws of this State, shall have the approval of the State Commissioner of Labor. Every device before being used or installed in any other building under the provisions of this act, shall have the approval of the State Commissioner of Labor, except in municipalities having a regularly appointed building inspector, in which case the approval of said building inspector shall be sufficient.

132. Enforcement of act; penalty for not complying with law

SEC. 3. The said Commissioner of Labor or the building inspector, as the case might be, shall enforce the provisions of this act by order

in writing served upon the owner or owners, tenant or lessee of any building coming within the operation of this act, specifying the directions to be executed and the time limited for the completion thereof. Any person, firm or corporation neglecting to comply with the terms of such order within the time therein limited, or any extension thereof granted by the said Commissioner or building inspector, shall be liable to a penalty of one hundred dollars for such failure and to a further penalty of ten dollars for each day that shall elapse after the expiration of the time limit until compliance is made with the terms of such order. Such penalties shall be cumulative, and more than one penalty may be recovered in the same action.

133. Collection of penalties

SEC. 4. All penalties under this act arising in municipalities having a building inspector as hereinbefore mentioned shall be sued for by the said building inspector for the benefit of such municipality, and all moneys as collected shall be paid into the treasury of such municipality. All penalties under this act arising in municipalities having no building inspector as hereinbefore mentioned and such as shall come within the jurisdiction of the State Department of Labor as heretofore set forth, shall be sued for by the State Commissioner of Labor, and all moneys so collected shall be paid into the State treasury.

134. Bringing proceedings; summons; service of summons; proceedings in action of debt; execution

SEC. 5. All proceedings brought under the provisions of this act shall be by action of debt, in the name of the Commissioner or building inspector, to be instituted in any District Court, recorder's court of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons returnable in not less than five days nor more than ten days, which process shall be served on the owner or owners, person or persons or any of them owning the place or operating the business wherein the alleged violation of law has taken place; if such owner or owners, person or persons reside in the county where the offense was committed, or if the owner or owners, person or persons as aforesaid, do not so reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman or person in charge of the business or

place, service upon a corporation shall be made upon the president, vice-president, secretary or any director, and if none of them reside in the county where the offense was committed, then service may be made upon the superintendent, foreman or person in charge of the business or place; in case the owner or owners of a building reside without the limits of the county, then service of the process may be made upon the agent in charge of said building, and if there be no such agent, then service of the process may be made by affixing a copy thereof to the main outer door of such building at least ten days before the return day thereof; all proceedings thereafter shall be the same as in action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant may award an execution to take the body of the defendant if an individual, and in case such a defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order for the body execution, or one of the justices of the Supreme Court when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs.

135. Act does not nullify existing regulations

SEC. 6. Nothing in this act shall be construed to nullify any ordinance, rule or regulation not inconsistent with the provisions of this act, which may have heretofore been passed or promulgated by any board, commission or department of the State, or any municipality in this State or by any committee, board or officer of any such municipality authorized to promulgate rules and regulations governing the use and control of elevators.

XVI. SCAFFOLDING—CONSTRUCTION AND MAINTENANCE

AN ACT to regulate the construction, maintenance, use and inspection of scaffolding or slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes that are used in the construction, alteration, repairing, painting, cleaning or pointing of buildings, and providing penalties for the violation of the provisions of this act.

(P. L. 1917, ch. 168, approved March 27, 1917.)

Sec. 136. Examination—when made; inspection—by whom made; prohibit use of and require alteration; certificate of inspection attached to scaffold or parts; if defective, notification to person responsible; immediate action; access to scaffold or building.

137. Safety rail; braces; swaying.

138. Capacity of scaffold; additional rules as to safety of appliances.

139. Penalty; court procedure; summons; service of process; proceedings; execution; disposition of penalties.

140. Repealer.

136. Examination—when made; inspection—by whom made; prohibit use of and require alteration; certificate of inspection attached to scaffold or parts; if defective, notification to person responsible; immediate action; access to scaffold or building

SEC. 1. Whenever complaint is made to the Commissioner of Labor of this State, mayor, superintendent of police or other persons in charge of the police force in any city, town, borough or township in this State, that the scaffolding or slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes of any stationary sling or scaffolding used in the construction or alteration, repairing, painting, cleaning or pointing of buildings within the limits of any city, town, borough or township aforesaid are unsafe or liable to prove dangerous to life or limb of any person, such Commissioner of Labor, mayor, superintendent of police, or other persons in charge of the police force, shall immediately cause an inspection to be made by a duly accredited representative of the Commissioner of Labor or by the building department of such municipality, or by a competent architect or builder of such scaffolding or slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes, or other parts connected

therewith. If, after examination, such scaffolding, or any of such parts, is found not to conform to the provisions of this act, or with the rules made by the Commissioner of Labor under the authority of this act, the Commissioner of Labor, mayor, superintendent of police, or other persons in charge of the police force, shall prohibit the use thereof, and require the same to be altered and reconstructed so as to avoid such danger.

The person directed to make such inspection shall attach a certificate to the scaffolding or slings, hangers, irons, ropes or other parts thereof examined by him, which certificate shall state that he has made such examination, and that he found it safe or unsafe, as the case may be. If he declares it to be unsafe, he shall at once, in writing, notify the person responsible for its erection of the fact, and warn such person or persons against the use thereof. Such notice shall be served personally upon the person responsible for the erecting, or by conspicuously affixing it to the scaffolding or part thereof to be declared unsafe.

After such notice has been served or affixed, the person responsible shall immediately remove such scaffolding or part thereof, or alter or strengthen it in such manner as to render it safe in the discretion of the person who has examined it, or his superiors.

Any person whose duty it is to examine or test any scaffolding or part thereof, as required by this act, shall have free access at all reasonable hours to any building or premises containing them or where they may be used.

137. Safety rail; braces; swaying

SEC. 2. If any scaffolding or staging swung or suspended from an overhead support or supports shall be more than ten (10) feet from the ground or floor, same shall be deemed unsuitable and improper, and as not giving proper protection to the life and limb of any person employed or engaged thereon, unless such scaffolding or staging shall, while the same is in use, have a safety rail properly bolted secure and braced and rising at least thirty-four (34) inches above the floor or main portion of such scaffolding or staging, and extending along the entire length of the outside and ends thereof, and properly attached thereto, and it shall be provided with braces so as to sustain the weight of a man's body leaning against it. Such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

138. Capacity of scaffold; additional rules as to safety of appliances

SEC. 3. All swinging and stationary scaffolding shall be so constructed as to bear four (4) times the maximum weight to be dependent therefrom or placed thereon while in use, and not more than three (3) men shall be allowed on any swinging scaffolding at any time.

In addition to the safeguards hereinabove provided, the Commissioner of Labor shall make such rules as may in his judgment be necessary to render the use of scaffolding or slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes of any stationary sling or scaffolding used in the construction or alteration, repairing, painting, cleaning or pointing of buildings within the limit of this State safe.

139. Penalty; court procedure; summons; service of process; proceedings; execution; disposition of penalties

SEC. 4. Any owner, contractor, subcontractor, foreman or other person who violates or omits to comply with any of the foregoing provisions of this act, or who suffers or permits the use of any article or scaffolding declared under the provisions of this act by a proper officer to be defective or unsafe, or which does not comply with every provision of this act, or who destroys or defaces any notice posted in accordance with the provisions of this act, or who hinders or obstructs any officer who may be detailed to enforce its provisions, shall be punishable by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) at the discretion of the court.

PROCEDURE

All proceedings brought under the provisions of this act shall be by action of debt, to be instituted by and in the name of the Commissioner of Labor of this State, or by and in the name of the mayor or chief of police of any city or borough, the clerk or chief of police of any township or village in which the offense shall have been committed, in any District Court of a city, recorder's court of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons returnable in not less than five nor more than ten days, which process shall be served on the owner or owners, person or persons or any of them, owning the place or operating the business wherein the alleged violation of law has taken place; if such

owner or owners, person or persons, reside in the county where the offense was committed, or if the owner or owners, person or persons as aforesaid, do not so reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman or persons in charge of the business or place; service upon a corporation shall be made upon the president, vice-president, or any director, and if none of them reside in the county where the offense was committed, then service may be made upon the superintendent, foreman or person in charge of the business or place; in case the owner or owners of a building reside without the limits of the county, then service of the process may be made upon the agent in charge of said building, and if there be no such agent, then service of the process may be made by affixing a copy thereof to the main outer door of such building at least ten (10) days before the return day thereof. All proceedings thereafter shall be the same as in any action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such a defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order for the body execution, or one of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all moneys collected under the provisions of this act shall be paid into the treasury of the State of New Jersey when prosecution is conducted by the Commissioner of Labor, and into the treasury of the city, borough, town, township or village in which the offense occurred when the prosecution is conducted by an official of such municipality.

140. Repealer

SEC. 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 27, 1917.

Bureau of Electrical and Mechanical Equipment

XVII. Machinery Safeguarding.

XVIII. Fire Alarm Signal Systems.

XVII. MACHINERY SAFEGUARDING

Codes—Safety Standards for Transmission Machinery and all Mechanically Driven Equipment.

Rules and Requirements for the Installation and Maintenance of Electrically Controlled Engine Stops and Speed Limit Governors for Engines Used for the Purpose of Furnishing Power in Manufacturing Establishments.

Code of Lighting for Factories, Mills and Other Work Places.
Safety Standards Relating to the Use and Care of Abrasive Wheels.

(P. L. 1912, chapter 6, approved Feb. 24, 1912—Amendatory of P. L. 1904, chapter 64.)

Sec. 141. Guarding machinery; safeguards not to be removed; hallways and work areas lighted

SEC. 13. The owner or person in charge of any of the places coming under the provisions of this act, where machinery is used, shall provide, in the discretion of the commissioner, friction clutches for stopping shafting, and belt shifters or other mechanical contrivances for the purpose of throwing on or off belts or pulleys: whenever practicable, all machinery shall be provided with loose pulleys: all vats, pans, saws, planers, power presses, foot presses, cogs, gearing, belting, shafting, set-screws, drums and machinery of every description shall be properly guarded: no person shall remove or make ineffective any safeguard around or attached to such machinery, vats or pans while the same are in use, unless for the purpose of immediately making repairs thereto, and all such safeguards so removed

shall be promptly replaced; if the machinery, or any part thereof, or any vat, pan or vessel containing molten metal or hot liquid is in a dangerous condition or is not properly guarded, the use thereof may be prohibited by the commissioner, and a notice to that effect shall be attached thereto; such notice shall not be removed until the machinery is made safe and the required safeguards are provided; and in the meantime such unsafe or dangerous machinery, vats, pans, or vessels containing molten metal or liquid shall not be used; when, in the opinion of the commissioner, it is necessary, the halls or other portions of a building shall be provided with proper lighting facilities.

XVIII. FIRE ALARM SIGNAL SYSTEMS

Code—General Rules for the Construction and Installation of Fire Alarm Signal Systems for Factories, Mills and Other Work Places.

(P. L. 1919, chapter 251, approved April 17, 1919—Supplemental to P. L. 1904, chapter 64.)

- Sec. 142. Fire alarm system; exception; proviso; gongs; standard installation.
- 143. Sounding alarm.
- 144. Exclusive use of alarm system.
- 145. Alarm tested daily; alarm boxes tested monthly; reports.
- 146. In case of fire, alarm sounded.
- 147. Fire drill held monthly; demonstration.
- 148. Enforcement of act; penalty for violation; closing factory on failure to comply with orders; owner's liability; penalty for violating mandatory part of act.
- 149. Requirements may be increased; action by municipality.

142. Fire alarm system; exception; proviso; gongs; standard installation

SEC. 1. Every factory, workshop, mill or place where the manufacture of goods of any kind is carried on, which is more than two stories in height above grade on three sides of such building and wherein more than twenty-five (25) operatives are employed above the first floor or grade level shall be equipped with an electrical fire-alarm system or its equivalent in efficiency, except all buildings coming within the intent of this act that are equipped with an approved and efficiently maintained sprinkler system shall be exempt from the provisions requiring the installation of electrical fire-alarm equipment

or its equivalent in efficiency; *provided*, such sprinkler equipment in the judgment of the Commissioner of Labor is deemed sufficient protection to the occupants. The electrical fire-alarm system or its equivalent in efficiency shall include sufficiently loud sounding gongs or other approved devices located on each floor or subdivision of floors of such building to be distinctly heard above the noise of machinery and other sounds. All fire-alarm systems in buildings hereby required to be so equipped shall be installed in conformity with the standards of the Department of Labor, and shall be maintained at full operating efficiency continuously throughout the tenancy of such buildings.

143. Sounding alarm

SEC. 2. The system shall be so installed as to permit the sounding of all alarm gongs or other devices within a single building whenever the alarm is sounded in any one portion thereof; the means of sounding this alarm shall be placed within easy access of all the operatives within the specified factory or section thereof, preferably at usual means of egress, and shall be plainly labeled.

144. Exclusive use of alarm system

SEC. 3. The system of fire alarm shall be used for no other than for fire protective purposes.

145. Alarm tested daily; alarm boxes tested monthly; reports

SEC. 4. The fire-alarm system shall be tested daily at or before the hour of commencing work, and such tests shall consist of two taps (or blasts). All the fire alarm boxes in such fire alarm systems shall be tested once in each calendar month. Reports shall be maintained by the management of any factory, workshop, mill or other work place wherein such system exists of the daily tests, monthly tests and fire drills.

146. In case of fire, alarm sounded

SEC. 5. It shall be the duty of the person in charge of any factory, workshop, mill or other place where the manufacture of goods of any kind is carried on within a building equipped with such a system to immediately cause the alarm to be sounded in the event of fire.

147. Fire drill held monthly; demonstration

SEC. 6. A fire drill sufficient to enable the operatives of a factory, workshop, mill or other work place immediately and rapidly to leave the premises shall be maintained in every factory building more than two stories in height, and shall be practiced at least once in every calendar month, and the management normally in charge of such factory, workshop, mill or other work place shall properly instruct all operatives in the method of practicing these fire drills. A demonstration of this drill shall be given at the request of a representative either of the Department of Labor or of the fire department of the municipality in which the factory, workshop, mill or other work place is located. The chief of each fire department shall advise the Commissioner of Labor of any violations of the requirements of the law coming to his knowledge.

148. Enforcement of act; penalty for violations; closing factory on failure to comply with orders; owner's liability; penalty for violating mandatory part of act

SEC. 7. The commissioner shall have power to enforce the provisions of this act by order in writing served upon the owner or owners of any building coming within the operation of this act, specifying the directions to be executed and the time limited for the completion thereof. Any person, firm or corporation failing or neglecting to comply with the terms of such order within the time therein limited, or any extension thereof granted by the said commissioner, shall be liable to a penalty of one hundred dollars for such failure and to a further penalty of ten dollars for each day that shall elapse after the expiration of the time limit until compliance is made with the terms of such order. If the order is not complied with within the time limited, in addition to the foregoing penalty, the commissioner shall forthwith cause the said building to be closed for manufacturing purposes until such order is complied with. The commissioner shall give the owner of such building twenty-four hours' notice, in writing, of a closing order, and then shall post on the doors of such building a notice that such building has been closed for manufacturing purposes pending compliance with an order of the Department of Labor. If the said building shall be used for any manufacturing purpose until such order shall have been revoked by the said commissioner upon compliance with said order, the owner of such building shall be liable to a penalty of one thousand dollars.

For violation of any mandatory portion of this act, if an order of the commissioner with reference thereto have not been issued, the owner of such building shall be liable to a penalty of one hundred dollars.

149. Requirements may be increased; action by municipality

SEC. 8. The provisions of this act shall be construed as furnishing minimum requirements for the guidance of said Commissioner of Labor; he may multiply or add such requirements as in his judgment are necessary and proper in each particular case. No municipality shall issue orders or permits in derogation thereof, but any municipality may require, in addition thereto, such precautions or devices as are not inconsistent with the provisions of this act, but the municipality shall be responsible for the enforcement of the orders issued under its authority.



Bureau of Hygiene and Sanitation

- XIX. Hygienic and Sanitary Provisions:
 - (A) Factories, Workshops, etc.
 - (B) Mercantile Establishments.
- XX. Foundries.
- XXI. Lead Poisoning Law.
- XXII. Compressed Air Law.

CODES

Plans and specifications for all ventilation systems installed pursuant to the provisions of the following sections of the General Factory Act must be submitted, in duplicate, with a statement of the kind of work for which the system is designed, to the Bureau of Hygiene and Sanitation for the approval of the Commissioner of Labor before the work of installation is commenced, as provided for by P. L. 1918, Chapter 17, as follows:

"The Commissioner of Labor is hereby authorized to charge a fee not less than one dollar nor more than five dollars for the issuance of a certificate of approval of any plans or specifications required by any law or regulation of the Department of Labor of this State to be submitted to him for his approval. Said Commissioner shall also be authorized to charge a fee of not less than one dollar nor more than five dollars for the issuance of any certificate of approval of any factory building or of any alteration or new work performed therein, upon the recommendation of said Commissioner. Said Commissioner shall be governed in fixing the fees above mentioned by the amount of trouble and expense involved in the examination of said plans, specifications or work.

"The Commissioner of Labor is hereby authorized to charge a reasonable fee for blue prints, literature and publications issued by the Department of Labor. The moneys paid to the Commissioner of Labor under this act shall be paid by him to the Treasurer of the State of New Jersey."

The following is a schedule of fees for approval of plans or specifications, which must be in duplicate:

LOCKERS, DRESSING ROOMS, LUNCH ROOMS AND TOILET INSTALLATIONS:

Costing from \$100 to \$500	\$1.00
“ “ 501 to 1,000	2.00
“ over 1,000	3.60

APPARATUS FOR REMOVAL OR CONTROL OF DUST, FUMES OR HUMIDITY:

Costing from \$100 to \$500	\$1.00
“ “ 501 to 1,000	2.00
“ over 1,000	3.00

Note:—This is also to cover inspection of installations where plans were not submitted.

The employer or contractor upon completion of any installation shall notify the Bureau of Hygiene and Sanitation, and if upon inspection it appears the system has been installed in accordance with approved plans and the suction generated complies with the standards, it shall be accepted as satisfactory.

Systems must be installed in accordance with the following standards, copies of which may be had upon request:

Sanitary and Engineering Industrial Standards.

Sanitary Standards for the Felt Hatting Industry.

Safety Standards for Lead Corroders and Lead Oxidizers, Paint Grinders, Dry Color Manufacture.

Safety Standards for the Manufacture of Nitro and Amido Compounds.

Instructions for the Inspection of Plants where Aniline is Produced or Handled.

Safety Standards for Insecticides.

Safety Standards for Lithophone.

Safety Standards for Cutting Oils.

Safety Standards for Steam Power Laundries.

XIX. HYGIENIC AND SANITARY PROVISIONS

(A) Factories, Workshops, etc.

(P. L. 1904, chapter 64, approved March 24, 1904.)

- Sec. 150. Blowers to carry off dust; proviso.
 151. Hoods to be used.
 152. Size of suction pipe.
 153. Connection and operation of blowers.
 154. Orders in writing.
 155. Size of room. Minimum air space; proviso.
 156. Proper ventilation; penalty for not complying; prevention of unhealthful inhalations; provide fans; penalty.
 157. Sanitary. Sufficient and separate toilet facilities.
 158. Paint or limewash.
 159. Abstract of law posted.
 160. Obstructing officers.
 161. Penalties for violations.

BLOWERS IN FACTORIES, WORKSHOPS, ETC.

150. Blowers to carry off dust; proviso

SEC. 14. All corporations, firms or persons conducting a manufacturing business in any of the places coming under the provisions of this act, where emery wheels or emery belts of any description are used, either solid emery, leather, leather covered, felt, canvas, linen, paper, cotton, or wheels, or belts rolled or coated with emery or corundum, or cotton wheels used as buffs, shall provide the same with blowers or similar apparatus, which shall be placed over, beside or under wheels or belts in such a manner as to protect the person or persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation, directly to the outside of the building, or to some receptacle placed so as to receive and confine such dust; *provided*, that grinding machines upon which water is used at the point of the grinding contact and small emery wheels that are used temporarily for tool grinding in small shops employing not more than three persons at such work, shall be exempt from the provisions of this section if so ordered by the commissioner.

NOTE.—The Department of Labor has adopted, in lieu of the pipe sizes and pressure test specified in sections 16 and 17 *post*, the specifications commencing on page 20 of "Sanitary and Engineering Industrial Standards," revised September, 1919.

151. Hoods to be used

SEC. 15. It shall be the duty of any person, firm or corporation conducting such manufacturing business, to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purpose of this act, as set forth above, as follows: Each and every such wheel shall be fitted with a sheet or cast-iron hood or hopper of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels or will be thrown into such hood or hopper by centrifugal force and be carried off by a current of air into a suction pipe attached to some hood or hopper.

152. Size of suction pipe

SEC. 16. Each and every such wheel six inches or less in diameter shall be provided with a round suction pipe three inches in diameter; wheels six inches to twenty-four inches in diameter, with round suction pipe five inches in diameter, and all wheels larger in diameter than those stated above shall be provided each with a round suction pipe not less than six inches in diameter; the suction pipe from each wheel so specified must be full size to the main trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall in its diameter and capacity be equal to the combined area of such smaller pipes attached to the same, and the discharge pipe from the exhaust fan connected with such suction pipe or pipes shall be as large or larger than the suction pipe.

153. Connection and operation of blowers

SEC. 17. It shall be the duty of any person, firm or corporation operating any such place to provide the necessary fans or blowers to be connected with such pipe or pipes, as set forth in this act, which shall be run at the rate of speed such as will produce a pressure of air in such suction or discharge pipes sufficient to raise a column of water not less than five inches in a U-shaped tube; all branch pipes must enter the main trunk pipe at an angle of forty-five degrees or less; the main suction or trunk pipe shall be below the emery or buffing wheels and as close to the same as possible, and shall be either upon or beneath the floor on which the machines are placed to which such wheels are attached; all bends, turns or elbows in such pipes must be made with easy, smooth surfaces, having a radius in the throat of not less than two diameters of the pipe on which they are connected.

154. Orders in writing

SEC. 18. It shall be the duty of the commissioner to make orders in writing for the carrying into effect the provisions of sections fourteen, fifteen, sixteen and seventeen.

SIZE OF ROOMS

155. Minimum air space; proviso

SEC. 19. Not less than two hundred and fifty cubic feet of air space shall be provided for each employe or operative at work in a room in a place within the meaning of this act between the hours of six o'clock in the morning and six o'clock in the evening, and not less than four hundred cubic feet of air space for each employe so employed between the hours of six o'clock in the evening and six o'clock in the morning; *provided*, in all cases where the amount of air space provided does not exceed the amount above fixed, that such room is lighted by electricity during all hours that artificial lights are necessary and persons are employed therein, unless a written permit shall be obtained from the commissioner.

156. Proper ventilation; penalty for not complying; prevention of unhealthful inhalations; provide fans; penalty

SEC. 20. The owner, agent or lessee of a place coming under the provisions of this act shall provide, in each work-room thereof, proper and sufficient means of ventilation, and shall maintain proper and sufficient ventilation; if excessive heat be created or if steam, gases, vapors, dust or other impurities that may be injurious to health be generated in the course of the manufacturing process carried on therein, the room shall be ventilated in such a manner as to render them harmless, so far as is practicable; in case of failure, the Commissioner of Labor shall order such ventilation to be provided. Such owner, agent or lessee shall provide such ventilation within twenty days after the service upon him of such order, and in case of failure, shall be liable to a penalty of ten dollars for each day after the expiration of such twenty days, to be recovered by the Commissioner of Labor as hereinafter provided. If, in a place coming under the provisions of this act, glazing or polishing on a wheel or any process is carried on by which dust or any gas, vapors or other impurity is

generated in such a manner as to be inhaled by the employes to an injurious extent, and it appears to the Commissioner of Labor that such inhalation could be to a great extent prevented by a fan or other mechanical means, the Commissioner of Labor may order the owner, agent or lessee of such place to provide a fan or other mechanical means of a proper construction for preventing such inhalation within twenty days after the service upon him of such order in writing, and such owner, agent or lessee shall provide such fan or other mechanical means as stated in said order within the time therein stated, and in case of failure so to do, he shall be liable to a fine of ten dollars for each day after the expiration of the time given by such order to make the change. (As amended by P. L. 1912, chapter 5.)

SANITARY

157. Sufficient and separate toilet facilities

SEC. 23. Every factory, workshop or mill shall contain sufficient, suitable, convenient and separate water-closets for each sex, which shall be properly screened, ventilated and kept clean; and also a suitable and convenient wash-room; the water-closets used by women shall have separate approaches; if women or girls are employed, a dressing room shall be provided for them when ordered by the Commissioner.

158. Paint or limewash

SEC. 24. Factories and workshops in which women and children are employed, and where dusty work is carried on, shall be limewashed or painted at least once in every twelve months.

159. Abstract of law posted

SEC. 25. An abstract of this law shall be prepared and furnished upon request by the commissioner to every corporation, firm or person in this state who is affected thereby, and every manufacturer to whom a copy of such abstract is sent or delivered shall post such abstract of this law, and keep it posted in plain view in such place that it can be easily read by the employes or operatives in coming in or going out from said factory, workshop or mill.

160. Obstructing officers

SEC. 26. No person shall interfere with, delay, obstruct or hinder by force or otherwise, the commissioner, the assistant commissioner or inspectors, while in the performance of their duties, or refuse to answer in writing or otherwise, questions asked by such officers relating to the matters coming under the provisions of this act: no person shall impersonate an officer of the department or forge his certificate of authority.

161. Penalties for violations

SEC. 30. For the purpose of carrying into effect the provisions of sections eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-six, twenty-seven and twenty-eight, the commissioner shall be and he is hereby authorized to make such orders in writing for the protection and safety of employes and operatives and the enforcement of this act in places coming under the provisions of this act, as in his judgment shall seem necessary to carry into effect the provisions of such sections; such order shall be in writing, signed by the commissioner, and shall specify what shall be necessary to be done and within what time; any corporation, firm or person, violating any of the provisions of sections eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-six, twenty-seven and twenty-eight, shall, for each offense, be liable to a penalty of fifty dollars.

(B) Mercantile Establishments

AN ACT regulating the age, employment, safety, health and work hours of persons employed for wages or other compensation in any employment other than in factories, workshops, mills, places where the manufacture of goods of any kind is carried on, mines, quarries and agricultural pursuits.—Title as amended by P. L. 1918, chapter 204, approved March 4, 1918.

(P. L. 1911, ch. 136, approved April 7, 1911, amended by P. L. 1914, ch. 253, approved April 7, 1914; P. L. 1918, ch. 204, approved March 4, 1918; P. L. 1919, ch. 37, approved April 7, 1919).

Sec. 162. Proper ventilation; penalty.

163. Toilet facilities.

164. Abstract of law supplied and posted.

165. Obstructing officers.

162. Proper ventilation; penalty

SEC. 8. The owner, agent or lessee of a place coming under the provisions of this act, or employer, shall provide in each mercantile establishment proper and sufficient means of ventilation; in case of failure, the commissioner shall order such ventilation to be provided; such owner, agent, lessee or employer shall provide such ventilation within twenty days after the service upon him of such order in writing, and in case of failure shall be liable to a fine of ten dollars for each day after the expiration of the time given by such order to make the change.

163. Toilet facilities

SEC. 9. Every mercantile establishment shall contain sufficient, suitable, convenient and separate water-closets for each sex, which shall be properly screened, ventilated and kept clean; and also, if ordered by the Commissioner of Labor, a suitable and convenient wash-room; the water-closets used by women shall have separate approaches; if women or girls are employed, a dressing-room shall be provided for them when ordered by the commissioner.

164. Abstract of law supplied and posted

SEC. 10. An abstract of this law shall be prepared and furnished upon request by the commissioner to every corporation, firm or person in this State who is affected thereby, and every such corporation, firm or person to whom a copy of such abstract is sent or delivered shall post such abstract of this law and keep it posted in plain view, in such place that it can be easily read by the employes or operatives in coming in or going out from said mercantile establishment.

165. Obstructing officers

SEC. 11. No person shall interfere with, delay, obstruct or hinder, by force or otherwise, the commissioner, the assistant commissioner, inspectors or truant officers while in the performance of their duties, or refuse to answer, in writing or otherwise, questions asked by such officers relating to the matters coming under the provisions of this act; no person shall impersonate an officer of the department or forge his certificate of authority.

XX. FOUNDRIES

(P. L. 1911, ch. 206, approved April 24, 1911. Supplemental to P. L. 1904, ch. 64).

- Sec. 166. Health and safety in foundries; bathing; medical supplies.**
167. "Foundry" defined.

166. Health and safety in foundries; bathing; medical supplies

SEC. 1. All entrances to foundries shall be constructed and maintained so as to minimize drafts. All passageways in foundries, now in operation or hereafter to be built, shall be constructed and maintained of sufficient width to make them reasonably safe for the workmen, and no unnecessary obstruction shall be allowed in such passageways during the hours of casting. Whenever a foundry is so constructed or operated that smoke, steam, dust or noxious gases are not promptly carried off by the general ventilation, exhaust fans shall be provided. Foundries shall be reasonably well lighted throughout the working hours, and reasonably well heated during the cold and inclement weather. Hot water shall be kept available for washing purposes during the season in which artificial heating is necessary. When it is thought necessary and advisable by a State factory inspector, facilities shall be provided for drying the clothing of persons employed therein. All pits around furnaces in any such brass factory shall be covered with substantial iron gratings. All stairways around such furnaces shall be constructed of iron. There shall be kept on hand at all times in every foundry a reasonable supply of lime water, sweet oil, vaseline, bandages and absorbent cotton for use by the workmen in case of burns or accidents. It is hereby made the duty of each and every State factory inspector to enforce the provisions of this act.

167. "Foundry" defined

SEC. 2. Any place or establishment where metal castings or cores are made shall be deemed a foundry within the meaning of this act.

XXI. LEAD POISONING LAW

AN ACT to prevent lead poisoning and other occupational diseases and providing penalties for the violation of its provisions.

(P. L. 1914, ch. 162, approved April 14, 1914).

Sec. 168. In general.

169. Dangerous processes: (a) working in lead; (b) tiling and enameling.
170. Duty of employer: (a) work room, etc.; floor easily cleaned; protection from lead dust or fumes; (b) wash room: (1) lavatory; (2) basins; (3) troughs; number of basins and troughs; toilet articles; time for washing; shower baths, use of; record kept; (c) dressing rooms; (d) eating rooms; (e) fountains; (f) overalls; (g) respirators; proviso.
171. Duty of employee: (a) washing; (b) meals; (c) clothing; (d) clean respirators.
172. Notices posted; what to show.
173. Medical examination monthly.
174. Physician's report; duplicate report; what to show; employer informed; employee not to be continued.
175. Enforcement of act.
176. Penalties.
177. Recovery of penalties; pleadings.
178. Issue of execution; when arrest authorized; judgment against corporations.
179. "Employer" defined.
180. As to validity of act.
181. When act takes effect.

168. In general

SEC. 1. General duties of employers: Every employer shall, without cost to the employes, provide reasonably effective devices, means and methods to prevent the contradiction by his employes of any illness or disease incident to the work or process in which such employes are engaged.

169. Dangerous processes: (a) working in lead; (b) tiling and enameling

SEC. 2. Especially dangerous work or processes: (a) Every work or process in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate, or fluo-silicate is hereby declared to be especially dangerous to

the health of the employes who, while engaged in such work or process are exposed to lead dusts, lead fumes or lead solutions.

(b) Every work or process in the manufacture of pottery, tiles or porcelain enameled sanitary ware is hereby declared to be especially dangerous to the health of the employes who, while engaged in such work or process, are exposed to lead dusts or lead solutions.

170. Duty of employer: (a) work room, etc.; floor easily cleaned; protection from lead dust or fumes; (b) wash room: (1) lavatory; (2) basins; (3) troughs; number of basins and troughs; toilet articles; time for washing; shower baths, use of; record kept; (c) dressing rooms; (d) eating rooms; (e) fountains; (f) overalls; (g) respirators; proviso

SEC. 3. Duties of employers to provide safety appliances for the protection of employes in especially dangerous works or processes.

Every employer shall, without cost to the employes, provide the following devices, means and methods for the protection of his employes who, while engaged in any work or process included in section two, are exposed to lead dusts, lead fumes or lead solutions:

(a) Working rooms, hoods and air exhausts for the protection of employes engaged in any work or process which produces lead dusts or lead fumes. The employer shall provide and maintain work rooms adequately lighted and ventilated, and so arranged that there is a continuous and sufficient change of air, and all such rooms shall be fully separated by partition walls from all departments in which the work or process is of non-dusty character; and all such rooms shall be provided with a floor permitting an easy removal of dust by wet methods or vacuum cleaning, and all such floors shall be cleaned either by wet method or vacuum cleaner daily.

Every work or process referred to in section two, including the corroding or oxidizing of lead, and the crushing, mixing, sifting, grinding and packing of all lead salts or other compounds referred to in section two, shall be so conducted and such adequate devices provided and maintained by the employer as to protect the employe, as far as possible, from contact with lead dust or lead fumes. Every kettie, vessel, receptacle or furnace in which lead in any form referred to in section two is being melted or treated, and any place where the contents of such kettles, receptacles or furnaces are discharged, shall be provided with a hood connected with an efficient air-exhaust; all vessels or containers in which dry lead in any chemical form or combi-

nation referred to in section two is being conveyed from one place to another within the factory shall be equipped, at the places where the same are filled or discharged, with hoods having connection with an efficient air-exhaust; and all hoppers, chutes, conveyers, elevators, separators, vents from separators, dumps, pulverizers, chasers, dry pans or other apparatus for drying pulp lead, drying pans dump, and all barrel packers and cars or other receptacles into which corrosions are at the time being emptied shall be connected with an efficient dust collecting system: such system to be regulated by the discharge of air from a fan, pump or other apparatus, either through a cloth dust collector having an area of not less than one-half square foot of cloth to every cubic foot of air passing through it per minute, the dust collector to be placed in a separate room which no employe shall be required or allowed to enter, except for essential repairs, while the works are in operation; or such other apparatus as will efficiently remove the lead dusts from the air before it is discharged into the outer air.

(b) Washing facilities. The employer shall provide a wash room or rooms for such employes, which shall be separate from the work rooms, be kept clean and be equipped with:

(1) Lavatory basins fitted with waste pipes and two spigots, conveying hot and cold water; or

(2) Basins placed in troughs fitted with waste pipes, and for each basin two spigots conveying hot and cold water; or

(3) Troughs of enamel or similar smooth impervious material fitted with waste pipes, and for every two feet of trough length two spigots conveying hot and cold water.

Where basins are provided there shall be at least one basin for every five such employes and where troughs are provided at least two feet of trough length for every five such employes. The employer shall also furnish nail brushes and soap, and shall provide at least three clean towels per week for each such employe. A time allowance of not less than ten minutes, at the employer's expense, shall be made to each of such employes for the use of said wash-room before the lunch hour, and at the close of the day's work.

The employer engaged in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate, or fluo-silicate shall also provide at least one shower bath for every five such employes. The baths shall be approached

by wooden runways, be provided with movable wooden floor gratings, be supplied with controlled hot and cold water and be kept clean. The employer shall furnish soap and shall provide at least two clean bath towels per week for each employe. An additional time allowance of not less than ten minutes, at the employer's expense, shall be made to each such employe for the use of said baths at least twice a week at the close of the day's work. The employer shall keep a record of each time that such baths are used by each employe, which record shall be open to inspection at all reasonable times by the Department of Labor of this State and also by the State Board of Health.

(c) Dressing rooms. The employer shall provide a dressing room or rooms which shall be separate from the work rooms, to be furnished with a double sanitary locker, or two single sanitary lockers for each such employe, and be kept clean.

(d) Eating rooms. The employer shall provide an eating room, or eating rooms for such employes, and such rooms shall be separate from the work rooms, be furnished with a sufficient number of tables and seats, and be kept clean. No such employe shall take or be allowed to take any food or drink of any kind into any work room, nor shall any such employe remain or be allowed to remain in any work room during the time allowed for his meals.

(e) Drinking fountains. The employer shall provide and maintain a sufficient number of sanitary drinking fountains readily accessible for the use of such employes.

(f) Clothing. The employer shall provide at least two pairs of overalls and two jumpers for each such employe, and repair or renew such clothing when necessary, and wash the same weekly. Such clothing shall be kept exclusively for the use of that employe.

(g) Respirators. The employer shall provide and renew when necessary at least two reasonably effective respirators for each employe who, while engaged in any work or process which produces lead dusts, is exposed to such dusts; *provided*, if at any time it is shown to the satisfaction of the Commissioner of Labor of the State of New Jersey, in the case of any manufacturer or process or any operation forming part thereof in the potteries that injury to health is adequately prevented by other appliances or any other condition than those prescribed by law, he may modify the whole or any part of the law so far as it applies to such pottery manufacture or process.

171. Duty of employee: (a) washing; (b) meals; (c) clothing; (d) clean respirators

SEC. 4. Duties of employes in especially dangerous works or processes to use the safety appliances provided by the employers.

Every employe who, while engaged in any work or process included in section two, is exposed to lead dust, lead fumes or lead solutions, shall:

(a) Use the washing facilities provided by the employer in accord with section three (b), and wash himself at least as often as a time allowance is therein granted for such use;

(b) Use the eating room provided by the employer with section three (d), unless the employe goes off the premises for his meals;

(c) Put on and wear at all times, while engaged in such work or process, a suit of clothing provided by the employer in accord with section three (f), and remove the same before leaving at the close of the day's work; and keep his street clothes and working clothes, when not in use, in separate lockers or separate parts of the locker provided by the employer in accordance with section three (c);

(d) Keep clean the respirators provided by the employer in accordance with section three (g), and use one at all times while engaged in any work or process which produces lead dust and is exposed to such dusts.

172. Notices posted; what to show

SEC. 5. Notices. The employer engaged in any of the processes mentioned in section two shall post in a conspicuous place in every work room where any work or process included in section two is carried on, in every room where washing facilities are provided, in every dressing room and eating room, a notice of the known dangers arising from such work or process and simple instructions for avoiding, as far as possible, such dangers. The Commissioner of Labor shall prepare a notice containing the provisions of this act, and shall furnish, free of cost, a reasonable number of copies thereof to every employer included in section two, and the employer shall post copies thereof in the manner hereinabove stated. The notices required in this section shall be printed in plain type on cardboard, and shall be in English and in such other languages as the circumstances may reasonably require. The contents of such notices shall be explained to every employe who may be exposed to lead dusts, lead fumes or lead solutions, by the employer when the said employe enters employment in such work or process, interpreters being provided by the employer, when necessary, to carry out the above requirements.

173. Medical examination monthly

SEC. 6. Medical examination. The employer shall cause every employe, who, while engaged in any work or process included in section two, is exposed to lead dusts, lead fumes, or lead solutions, to be examined at least once a month for the purpose of ascertaining if symptoms of lead poisoning appear in any employe. The employe shall submit himself to the monthly examination, and to examination at such other times and places as he may reasonably be requested by the employer, and he shall fully and truly answer all questions bearing on lead poisoning asked him by the examining physician. The examination shall be made by a licensed physician, designated and paid by the employer, and shall be made during the working hours, a time allowance therefor, at the employer's expense, being made to each employe so examined.

174. Physician's report: duplicate reports; what to show; employer informed; employe not to be continued

SEC. 7. Record and reports of medical examination. Every physician making any examination under section six and finding what he believes to be symptoms of lead poisoning shall enter, in a book to be kept for that purpose in the office of the employer, a record of such examination, containing the names and addresses of the employees so examined, the particular work or process in which he is engaged, the date, place and finding of such examination, and the directions given in each case by the physician. The record shall be open to inspection at all reasonable times by the Department of Labor and by the State Board of Health.

Within forty-eight hours after such examination and finding, the examining physician shall send a report thereof in duplicate, one copy to the Department of Labor and one to the State Board of Health. The report shall be on or in conformity with blanks furnished by the State Board of Health, free of cost, to every employer included in section two, and shall state:

- (a) Name, occupation and address of employe.
- (b) Name, business and address of employer.
- (c) Nature and probable extent of disease.
- (d) Such other information as may be reasonably required by the State Board of Health.

The examining physician shall also, within the said forty-eight hours, report such examination and find to the employer, and after five days from such report the employer shall not continue the said employee in any work or process where he will be exposed to lead dusts, lead fumes, or lead solutions, nor return the said employee to such work or process without a written permit from a licensed physician.

175. Enforcement of act

SEC. 8. Enforcement. The Commissioner of Labor shall enforce this act and prosecute all violations of the same. The said commissioner, the assistant commissioner, and the inspectors of the said department shall be allowed at all reasonable times to inspect any place of employment included in this act.

176. Penalties

SEC. 9. Penalties. Every employer who, either personally or through any agent, violates or fails to comply with any provision of section one or section three of this act shall be liable to penalties of fifty dollars for the first offense, one hundred dollars for the second offense and three hundred dollars for the third and each subsequent offense. Every employee who violates or fails to comply with any provision of section four of this act, shall be liable to a penalty of ten dollars for the first offense and twenty-five dollars for the second and each subsequent offense. Every employer who, either personally or through an agent, violates or fails to comply with any provision of sections five, six or seven of this act, relating to him, shall be liable to a penalty of fifty dollars for each offense, and every employee who violates or fails to comply with any provision of section six of this act, relating to him, shall be liable to a penalty of ten dollars for each offense.

177. Recovery of penalties; pleadings

SEC. 10. Any and all penalties prescribed by any of the provisions of this act shall be recovered in an action of debt by and in the name of the Commissioner of Labor of the State of New Jersey. The pleading shall conform in all respects to the practice prevailing in the court in which any such action shall be instituted, but no pleading or process shall be set aside or invalidated by reason of any formal or technical defects therein, if the same contain a statement of the nature of the alleged violation and of the section of this act

alleged to have been violated, and, upon the attention of the court being called to any such formal or technical defect, the same shall be immediately corrected, and the said pleading or process amended as a matter of course, and as to all other defects in pleading or process, the same may be amended in the discretion of the court as in any other action or proceeding in said court.

178. Issue of execution; when arrest authorized; judgment against corporations

SEC. 11. When judgment shall be rendered against any defendant other than a body corporate, execution shall be issued against his goods and chattels and body without any order of the court for that purpose first had and obtained. If the officer executing any such writ shall be unable to find sufficient goods or chattels of said defendant in his bailiwick to make the amount of said judgment, he shall take the body of the said defendant and deliver him to the keeper of the common jail of said county, there to be detained until discharged by the court in which such judgment was obtained or by one of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs. In case judgment shall be rendered against a body corporate, execution shall be issued against the goods and chattels of such body corporate as in other actions of debt. Any penalty recovered in any action brought under the provisions of this act shall be paid to the plaintiff therein, who shall pay the same to the Treasurer of the State of New Jersey.

179. "Employer" defined

SEC. 12. Definition. In this act, unless the context otherwise requires, "employer" includes partnerships and corporations.

180. As to validity of act

SEC. 13. In case for any reason any section or any provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act.

181. When act takes effect

SEC. 14. Time of taking effect. This act shall take effect on the first day of October, one thousand nine hundred and fourteen, except as to subdivisions (a), (b), (c) and (d) of section three, which subdivisions shall take effect as follows:

Subdivisions (b), (c) and (d) of section three, on the first day of October, one thousand nine hundred and fifteen.

Subdivisions (a) of section three, on the first day of October, one thousand nine hundred and sixteen.

XXII. COMPRESSED AIR LAW

AN ACT relating to the employment of persons in compressed air.
(P. L. 1914, chapter 121, approved April 7, 1914.)

Sec. 182. Definitions: (1) "pressure;" (2) "employer."

183. Protection in caissons.

184. Equipment: (1) pressure gauges in tunnels; (2) gauges in caissons, charge of; (3) air gauge and time piece; (4) air pipes; (5) ladder; (6) passages clear and lighted; (7) adequate lighting facilities; (8) dressing rooms; (9) hospital lock.

185. Maximum suspension of caissons.

186. Daily inspection of all apparatus.

187. Health: (1) physician; (2) nurses, duties of.

188. Use of liquor by employes.

189. Physical examinations: (1) must be physically qualified; (2) beginners; (3) re-examination of absent employe; (4) re-examination after three months.

190. Record of examinations kept.

191. Hours of labor; working time divided; schedule; maximum pressure.

192. Passing from different pressures; schedule.

193. Enforcement of act.

194. Penalties.

195. Pleadings; technicalities not to invalidate.

196. Issue of execution; when defendant may be taken.

182. Definitions: (1) "pressure;" (2) "employer"

SEC. 1. Definitions. (1) The term "pressure," when used in this act, means gauge pressure in pounds per square inch.

(2) The term "employer," when used in this act, includes partnerships and corporations.

183. Protection in caissons

SEC. 2. Every tunnel, caisson, compartment or place to which this act applies shall be so constructed, equipped, arranged, operated and conducted as to provide such protection to the lives, health and safety of all persons employed therein as the nature of the employment will reasonably permit.

184. Equipment: (1) pressure gauges in tunnels; (2) gauges in caissons, charge of; (3) air gauge and time piece; (4) air pipes; (5) ladder; (6) passages clear and lighted; (7) adequate lighting facilities; (8) dressing rooms; (9) hospital lock.

SEC. 3. Equipment for work in compressed air. Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall:

(1) Provide and install gauges in each tunnel for showing the air pressure to which the persons so employed therein are subjected. Such gauges shall be accessible at all times during working hours to all employees in the tunnels:

(2) Provide and attach gauges to each caisson, for showing the air pressure to which the persons so employed therein are subjected, and employ a competent person, who may be the lock tender, to take charge of such gauges, and of the instruments required under subdivision three of this section. The person so employed shall not be permitted to work more than eight hours in any twenty-four hours:

(3) Provide and attach an air gauge and a time piece to each air lock. Such gauge and time piece shall be accessible to the lock tender at all times;

(4) Keep at least two air pipes or lines connected with each tunnel, caisson, compartment or place in which persons are so employed;

(5) Provide a suitable iron ladder for the entire length of every shaft used in connection with such work:

(6) Keep every passageway used in connection with such work clear and properly lighted:

(7) Provide sufficient electric lights for all lighting purposes and provide a wire for lighting the shaft, which wire shall be separated from the wire used for lighting the place where the employees are at work in compressed air; all electric wires shall be properly insulated;

(8) Provide, for the use of all persons so employed, dressing rooms which shall be kept open and accessible during working hours and

during the intervals between working periods, and also a separate room for drying clothes. The dressing rooms shall contain benches and individual lockers, shower baths with hot and cold water, and sanitary water-closets, and shall be kept properly heated, lighted and ventilated;

(9) If the maximum air pressure in such work exceeds seventeen pounds, provide and maintain at least one double compartment hospital lock. Such lock shall be at least six feet high, inside measurement, and be suitably floored; it shall be equipped with inside and outside air gauges and time pieces, and a telephone with proper connections, and shall contain benches and proper surgical and medical equipment; it shall be properly heated, lighted and ventilated.

185. Maximum suspension of caissons

SEC. 4. Suspension of caissons. No caisson in which persons are employed in compressed air shall, while work is in progress therein, be suspended or hung so that the bottom of the excavation is more than four feet below the cutting edge of the caisson.

186. Daily inspection of all apparatus

SEC. 5. Inspection. Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall cause all engines, boilers, steam pipes, steam gauges, drills, caissons, air pipes, air gauges, air locks, dynamos, electric wiring, signal apparatus, brakes, buckets, hoists, cables, chains, ropes, ladders, ways, tracks, sides, roofs, timbers, supports and all other equipment, apparatus and appliances used in connection with such work to be inspected at least once every working day by a competent person especially designated for that purpose, and if any defect in such equipment, apparatus or appliances is found, a report thereof in writing shall forthwith be made by the inspector to the employer, and the defect shall be immediately repaired.

187. Health: (1) physician; (2) nurses, duties of

SEC. 6. Medical attendants and nurses. Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall:

(1) Employ one or more licensed physicians as medical officers who shall be present to render medical assistance at all necessary times at

the place where such work is in progress and who shall perform such other duties as are imposed on them by this act:

(2) If the maximum air pressure in such work exceeds seventeen pounds, employ one or more registered nurses, or one or more competent persons, which persons shall be selected by the medical officer and be certified by him to be competent, by actual experience, to handle cases of compressed air illness. The nurses or persons so employed shall have charge of the hospital lock provided for in this act, and may also have other duties of a clerical nature, exclusive of timekeeping, such as will not require their presence elsewhere than at the hospital lock and such as they may leave at any time their service at the lock is necessary.

188. Use of liquor by employes

SEC. 7. Employment of certain persons prohibited. No person known to be addicted to the excessive use of intoxicants shall be employed or permitted to work in compressed air.

189. Physical examination: (1) must be physically qualified; (2) beginners; (3) re-examination of absent employe; (4) re-examination after three months

SEC. 8. Physical examinations. (1) No person shall be employed or permitted to work in compressed air until he has been examined by the medical officer and found to be physically qualified therefor;

(2) No person who has not previously worked in compressed air shall, during the first twenty-four hours of his employment, be permitted to work therein longer than one working period, as provided in section ten, and he shall not be permitted to resume such work, if the air pressure exceeds fifteen pounds until he has been re-examined by the medical officer and found to be physically qualified therefor;

(3) No person who is employed in compressed air, but who has been absent therefrom for ten or more consecutive days, for any cause, shall be permitted to resume such work until he has been re-examined by the medical officer and found to be physically qualified therefor;

(4) No person who has been employed regularly in compressed air for three months shall be permitted to continue such work until he has been re-examined by the medical officer and found to be physically qualified therefor.

190. Record of examinations kept

SEC. 9. Record of physical examinations. The medical officer shall keep a record of all physical examinations made in accord with section eight, which record shall be kept at the place where the work is in progress and shall contain the name, age, address and full description of each person examined, the date on which each examination was made, and the physical condition, on that date, of the person examined, and the total time such person has worked in compressed air, including time in previous employments. The employer shall also be responsible for the observance of this section.

191. Hours of labor; working time divided; schedule; maximum pressure

SEC. 10. Hours of labor. When the air pressure in any tunnel, caisson, compartment or place in which persons are employed exceeds normal, but does not exceed fifty pounds, the maximum number of hours which, in any twenty-four hours, a person may be employed or permitted to work or remain therein shall be as hereafter stated. In every case the maximum number of hours shall be divided into two working periods of equal length, and the minimum time interval which shall elapse between such working periods shall be as hereafter stated.

							Number of hours in	Interval between working periods.
When the air pressure							24	
Exceeds normal but does not exceed 21 pounds,							8	30 mins.
"	21	"	"	"	"	20	6	1 hr.
"	30	"	"	"	"	35	4	2 hrs.
"	35	"	"	"	"	40	3	3 hrs.
"	40	"	"	"	"	45	2	4 hrs.
"	45	"	"	"	"	50	1½	5 hrs.

Except in cases of emergency, no person shall be employed or permitted to work or remain in any tunnel, caisson, compartment or place where air pressure exceeds fifty pounds.

192. Passing from different pressures; schedule

SEC. 11. Rate and time of decompression. No person shall be permitted to pass from any tunnel, caisson, compartment or place where he has been employed in compressed air to atmosphere or normal pressure without passing through an intermediate lock or stage

of decompression. When the employee is passing from a tunnel to atmosphere of normal pressure, the rate of decompression shall be three pounds every two minutes, except when the air pressure in the tunnel exceeds thirty-six pounds, in which case the rate of decompression shall be one pound every minute. When the employee is passing from a caisson, compartment or place to atmosphere of normal pressure, the time of decompression shall be as follows:

When the pressure in a caisson compartment or place							Time of decompression.
Exceeds normal but does not exceed 10 pounds,							1 min.
"	10	"	"	"	"	15	"
"	15	"	"	"	"	20	"
"	20	"	"	"	"	25	"
"	25	"	"	"	"	30	"
"	30	"	"	"	"	36	"
"	36	"	"	"	"	40	"
"	40	"	"	"	"	50	"
							25 mins.

193. Enforcement of act

SEC. 12. Enforcement. The Commissioner of Labor shall enforce this act. The commissioner, the assistant commissioner and the inspectors of the Department of Labor shall inspect every place of employment included in this act, and for that purpose may enter any such place.

194. Penalties

SEC. 13. Penalties. Every person who, either personally or through any agent, violates or fails to comply with any provision of this act is liable to a civil penalty of fifty dollars for the first offense, one hundred dollars for the second offense and three hundred dollars for the third and each subsequent offense. Such penalties shall be recovered in an action of debt by and in the name of the Commissioner of Labor of the State of New Jersey, and shall be paid to the Commissioner of Labor, who shall pay the same to the Treasurer of the State of New Jersey.

195. Pleadings; technicalities not to invalidate

SEC. 14. Pleading. The pleading shall conform in all respects to the practice prevailing in the court in which any such action is instituted, but no pleading or process shall, if it contains a statement of the nature of the alleged violation and of the section of this act

alleged to have been violated, be set aside or invalidated by reason of any formal or technical defect therein. Upon the attention of the court being called to any such formal or technical defect, the same shall be immediately corrected, and the pleading or process amended as a matter of course; and any other defect in pleading or process may be amended in the discretion of the court as in any other action or proceeding in such court.

196. Issue of execution; when judgment may be taken

SEC. 15. Execution. If judgment is rendered against any defendant other than a body corporate, execution shall, without order of the court, be issued against his goods and chattels and body. If the officer executing any such writ is unable to find, in his bailiwick, sufficient goods and chattels of the defendant to make the amount of the judgment, he shall take the body of the defendant and deliver him to the keeper of the common jail, there to be detained until discharged by the court in which such judgment was rendered or by one of the justices of the Supreme Court, when such court or justice is satisfied that further confinement will not result in the payment of the judgment and costs. If judgment is rendered against a body corporate, execution shall be issued against the goods and chattels of such body corporate as in other actions of debt.

Bureau of Bakeries and Confectioneries

XXIII. BAKERIES, CONFECTIONERIES, ETC.

AN ACT regulating the age, employment, safety, health and work hours of persons, employes and operatives in places where biscuits, pies, bread, crackers, cakes, macaroni and other food stuffs, confectionery, candy, ice cream or frozen sweets are manufactured or made for the purpose of sale, and providing for the sanitation, sanitary condition and licensing of such places.

(P. L. 1912, chapter 127, approved Mar. 21, 1912, as amended by P. L. 1918, chapter 9, approved Feb. 6, 1918.)

- Sec. 197. Sanitation of bakeries, etc.; openings screened; spitting; tobacco forbidden; notices posted; cellars not to be used.
- 198. Height of rooms: proviso; character of floor; walls; furniture and utensils; cleaning; vermin; diseased persons not employed.
- 199. Keeping food; receptacles for ashes and garbage; cleanliness of vehicles.
- 200. Toilet facilities: washing; clothing.
- 201. Sleeping apartments separate.
- 202. Quarterly inspection; action on complaints.
- 203. No night work by children: hours of service; extra work.
- 204. Serving notices.
- 205. Bakeries, confectioneries, etc., licensed; application; place of business: revocation of license; renewal of license; license fee.
- 206. Penalties for violations.
- 207. Fines paid into State Treasury.
- 208. Recovery of penalties.
- 209. Execution issued on judgment rendered.
- 210. Injunction to restrain violations.
- 211. Former legislation not affected by this act.
- 212. Unconstitutionality of one section not to impair others.
- 213. Acts repealed.

197. Sanitation of bakeries, etc.; openings screened; spitting; tobacco forbidden; notices posted; cellars not used

SEC. 1. All buildings or rooms where biscuits, pies, bread, crackers, cakes, macaroni and other food stuffs, confectionery, candy, ice cream or frozen sweets are manufactured, or made for the purpose of sale, shall be drained and plumbed in a manner that will conduce to the proper and healthful sanitary condition thereof and shall have air shafts, windows or ventilating pipes sufficient to insure ventilation and sufficient light to prevent any place being operated entirely by artificial light, and all doors, windows and other openings shall be thoroughly screened so as to prevent the entrance of flies or other insects, between the first day of April and the thirty-first day of October. Expectorating is prohibited within any building or room used for the aforesaid purposes, except into a proper receptacle provided for that purpose. The smoking, snuffing or chewing of tobacco in any building or room used for aforesaid purposes is prohibited. Plain notices shall be posted in every such place forbidding any person to use tobacco or spit on the floor of such place. No cellar, basement or place which is below the street level shall hereafter be used or occupied as a place in which to manufacture or make for the purpose of sale any of the above mentioned articles, except where the same was used for such purposes on the fourth day of July, nineteen hundred and five; *provided, however*, that this act shall not prevent the use, for the manufacture of candy, ice cream or frozen sweets only, of any cellar or basement, which shall, after due inspection and examination by representatives of the Department of Labor, be certified to by the Commissioner of Labor as sanitary in all respects and proper to be used for such purposes, which certificate may be revoked at any time.

198. Height of rooms; proviso; character of floor; walls; furniture and utensils; cleaning; vermin; diseased persons not employed

SEC. 2. Every room used for the purpose of making or manufacturing, for the purpose of sale, any of the articles mentioned in section one of this act shall be at least eight feet in height; *provided, however*, that this requirement shall not apply to rooms used for the making or manufacturing, for the purpose of sale, of nothing but candy, ice cream or frozen sweets, but such rooms used for the making or manufacturing for the purpose of sale, of candy, ice cream or frozen fruits, shall in all cases be at least seven feet in height, except

that any room now used for the making, for the purpose of sale, of nothing but candy, ice cream or frozen sweets need not be altered to conform with this provision unless so ordered by the Commissioner of Labor to improve lighting, ventilation or drainage facilities. Every room used for the purpose of making or manufacturing for the purpose of sale any of the articles mentioned in section one shall have, if required by the Commissioner of Labor, an impermeable floor constructed of wood properly saturated with linseed oil, or of cement or other suitable material; the side walls of every such room shall be well plastered, wainseoted or ceiled with metal or lumber, and all interior wood work in such room shall be kept well oiled or painted with oil paint and shall be kept in a clean and sanitary condition at all times. The furniture and utensils in all such rooms shall be so arranged that such furniture, utensils and floor may at all times be kept in a proper and healthful, sanitary and clean condition. The Commissioner of Labor shall have the power to order that any such room or rooms shall be cleaned in such manner as he shall direct; no domestic animal except cats shall be allowed to remain in any such room. Every such room or rooms shall be kept clean at all times and free from rats, mice or vermin and from all matter of an infectious and contagious disease. No person who has consumption, scrofula or any venereal disease or any contagious or infectious disease or any communicable or loathsome skin disease shall work in any such room or rooms, and no owner, manager or person in charge of any such room or rooms shall knowingly require or suffer such a person to be employed in such room or rooms, nor shall any such room or rooms communicate with or have doors communicating directly with a stable or stable yard.

199. Keeping food; receptacles for ashes and garbage; cleanliness of vehicles

SEC. 3. Biscuits, pies, bread, crackers, cake, macaroni and other food stuffs and confectionery after the same are made or manufactured for the purpose of sale shall be kept in dry and airy rooms; the floors, shelves, pans, trays and every kind of appliances used for storing the same shall be so arranged that they can be easily and thoroughly cleaned; proper receptacles for holding coal and ashes and covered garbage pails shall be provided by the proprietor for any place where any of said articles are made or manufactured for the purpose of sale. All baked goods on display in the sales room must be well

protected from flies, dust and dirt. All vehicles from which any of the articles specified in section one are sold shall be kept in a clean condition and all baskets or other containers in which any of the said articles are conveyed to the streets shall be closely covered in a way to exclude flies, dust or other sources of contamination.

200. Toilet facilities; washing; clothing

SEC. 4. Whoever shall conduct a place where any of the articles specified in section one are made or manufactured for the purpose of sale shall provide proper washing facilities which shall include a sufficient supply of hot water, clean towels, soap and nail brushes, and shall also provide waterclosets separate and apart from the room or rooms in which the manufacture for the purpose of sale of any of the articles specified in section one is carried on; no watercloset, earth closet or privy shall be within or communicate directly with the room in which said articles are made or manufactured. Operatives, employes, clerks and all persons who handle any of the material from which any of the articles specified in section one are made or manufactured for purpose of sale or who handle the finished product, before beginning work and immediately after visiting the toilet or lavatory shall wash their hands and arms thoroughly in clean water. The outer clothing of all operatives while employed in any such room or place shall be made of washable material, shall be kept clean at all times and shall be worn by such operatives only when at work in any such room or place. The street clothing of any such operatives shall not be kept in any room used for the manufacture of the articles mentioned in section one of this act; the Commissioner of Labor may, in his discretion, order the installation of metal lockers in any such place to be used for the clothing of operatives.

201. Sleeping apartments separate

SEC. 5. Sleeping places for persons employed in any room or place used for the making or manufacturing for the purpose of sale of any of the articles specified in section one, shall be kept separate from the room or rooms used for the making or manufacturing of any such article, and the commissioner or assistant commissioner or any inspector may inspect such sleeping places, if they are on the same premises as the room used for making or manufacturing for the purpose of sale of any such article, and order them cleaned or changed, in compliance with sanitary principles.

202. Quarterly inspection; action on complaints

SEC. 6. The Commissioner of Labor shall be required to enforce compliance with all the provisions of this act, and for that purpose it shall be his duty to have all places used for the purposes specified in section one visited and inspected at least once in three months; and whenever a complaint in writing, signed by an employe in any such place or by any officer or representative of any labor union in the county wherein the same is located, shall be received by the said commissioner, stating that any provision of this act is being violated in any such place, it shall be the duty of the said commissioner forthwith to have the said place, concerning which the complaint is made, visited and inspected. The visits of inspection shall be made in the presence of those then working or employed in said place, and during the usual hours of employment therein. All such places shall be kept at all times in a clean and sanitary condition.

203. No night work by children; hours of service; extra work

SEC. 7. No person under the age of sixteen years shall be employed or allowed or permitted or required to work in any place where any of the articles mentioned in section one are manufactured or made for the purpose of sale, between the hours of seven o'clock in the afternoon and seven o'clock of the forenoon following: no employe in any such place shall be required, permitted or suffered to work in any such place more than sixty hours in any one week or more than ten hours in any one day, unless for the purpose of making a shorter workday on the last day of the week, nor more hours in any one week than will make an average of ten hours per day for the whole number of days in which such employe shall so work during such week, but it shall be lawful, in cases of emergency, for an employer to permit any employe to work an additional time, not exceeding two hours per day, such extra work to be remunerated at the rate of weekly wages paid to such employe for his week of sixty hours: no employe in any such place shall be discharged by his employer for having made any truthful statement as a witness in a court, or to the Commissioner of Labor, assistant Commissioner of Labor, or any inspector in pursuance of this act, or any act amendatory hereof or supplementary hereto. (*See Ten Hour Law as amended by P. L. 1921, ch. 194, page 43 ante.*)

204. Serving notices

SEC. 8. All notices given under or pursuant to this act, or any act supplementary thereof or amendatory thereto, shall be in writing, signed by the Commissioner of Labor, and may be served upon the owner or proprietor of the place wherein such violation occurred either by delivering the same to him in person or by sending it to him by mail at his last known post-office address, with postage prepaid; if his post-office address is not known, then the said notice may be mailed to the address of the place wherein such violation shall have been committed; the notice providing for the doing of any act or the abating of anything forbidden by this act shall fix the time within which such act shall be done or such thing abated, and if the order shall not be obeyed within the time therein fixed the person so failing to obey shall be liable to the penalty herein fixed for the violation hereof.

205. Bakeries, confectioneries, etc., licensed; application; place of business; revocation of license; renewal of license; license fee

SEC. 9. No person or corporation shall hereafter engage or continue in the business of making or manufacturing biscuits, pies, bread, crackers, cakes, macaroni and other foodstuffs, candy, ice cream, confectionery or frozen sweets for the purpose of sale unless he shall first obtain from the Commissioner of Labor of this State a license ³so to ²do. The applicant for any such license shall state in his application the location of the place at which he intends to engage in such business and such license shall not be issued unless the said commissioner is satisfied that such place conforms to all the requirements of this act. Such license shall specify the place at which such business is authorized to be carried on, and shall not authorize the engaging in such business at any other place. When it shall be made to appear to the said commissioner, that any place at which such business is carried on under a license as aforesaid is not kept in accordance with or does not conform to the requirements of this act, or that any provision of this act is being violated therein, said commissioner may, after giving not less than forty-eight hours' notice in writing, which notice may be served by representative of the Department of Labor, either personally on the proprietor of such place or by affixing the same on the inside of said place, revoke the license of the person engaging in such business at such place. Such license, if not revoked as

aforesaid, shall remain in force one year from the date of its issuance at which time it shall expire.

Any such license may be renewed upon application of the holder thereof upon payment of the fee below prescribed if the place named in the application for such renewal is conducted in accordance with the terms of this act. No person, whose license to engage in such business has expired or been revoked, shall engage or continue in such business in this State until he has procured a renewal or a new license in accordance with the terms of this act.

Any applicant for any such license or a renewal thereof shall pay to the Commissioner of Labor a license fee of one dollar, which fee shall be returned to such applicant in case the license is not granted.

No other license shall be required by any other State or municipal authority.

(As amended by P. L. 1918, ch. 9, approved February 6, 1918).

206. Penalties for violations

SEC. 10. Any person violating any of the provisions of this act, or any owner or proprietor of any place coming within the provisions of this act who fails to obey any order of this act, shall be liable to a penalty of fifty dollars for the first offense and one hundred dollars for each subsequent offense. Any person who shall, after conviction for violation of any provision of this act, continue such violation shall be liable to a penalty of one hundred dollars.

207. Fines paid into State Treasury

SEC. 11. Any penalty recovered in any action brought under the provisions of this act shall be paid to the plaintiff therein, who shall pay the same into the treasury of this State.

208. Recovery of penalties

SEC. 12. Any and all penalties prescribed by any of the provisions of this act shall be recovered in an action of debt by and in the name of the Commissioner of Labor of the State of New Jersey, as plaintiff. The pleadings shall conform in all respects to the practice prevailing in the court in which any such action shall be instituted, but no pleading or process shall be set aside or invalidated by reason of any formal or technical defects therein if the same contain a statement of the nature of the alleged violation and of the section

of this act alleged to have been violated, and upon the attention of the court being called to any such formal or technical defect the same shall be immediately corrected and the said pleading or process amended as a matter of course, and as to all other defects in pleadings or process the same may be amended, in the discretion of the court, as in any other action or proceeding in said court.

209. Execution issued on judgment rendered

SEC. 13. When judgment shall be rendered against any defendant other than a body corporate execution shall be issued against his goods and chattels and body without any order of the court for that purpose first had and obtained. If the officer executing any such writ shall be unable to find sufficient goods and chattels of said defendant in his bailiwick to make the amount of said judgment he shall take the body of the said defendant and deliver him to the keeper of the common jail of said county, there to be detained until discharged by the court in which such judgment was obtained, or by one of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs. In case judgment shall be rendered against a body corporate execution shall be issued against the goods and chattels of such body corporate as in other actions of debt.

210. Injunction to restrain violations

SEC. 14. Whenever any person shall violate any of the provisions of this act it shall be lawful for the Commissioner of Labor, either before or after the institution of proceedings for the collection of the penalty imposed by this act for such violation, to file a bill in the Court of Chancery in the name of the State, at the relation of such commissioner, for an injunction to restrain such violation and for such other or further relief in the premises as the Court of Chancery shall deem proper, but the filing of such bill, nor any of the proceedings thereon, shall not relieve any party to such proceedings from the penalty or penalties prescribed by this act for such violation.

211. Former legislation not affected by this act

SEC. 15. Nothing in this act contained shall be construed to repeal, impair or in anywise affect the provisions of an act of the Legislature of this State, entitled "A further supplement to an act entitled 'An

act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof,' approved March twenty-first, nineteen hundred and one," approved April twentieth, nineteen hundred and six, or the provisions of an act entitled "A supplement to an act entitled 'An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof (Revision of 1907),' approved May twentieth, nineteen hundred and seven," approved April twenty-first, nineteen hundred and nine, but said acts shall continue in force in all respects the same as if this act had not been passed. Nothing in this act shall be construed to repeal, affect or in anywise impair the provisions affecting places where biscuits, pies, bread, crackers, cake, macaroni and other food stuffs, confectionery, candy, ice cream or frozen sweets are manufactured, or any other provisions of an act entitled "An act regulating the age, employment, safety, health and work hours of persons, employes and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof," approved March twenty-fourth, one thousand nine hundred and four.

212. Unconstitutionality of one section not to impair others

SEC. 16. In case for any reason any section or any provision of this act shall be questioned in any particular and shall be held to be unconstitutional or invalid, the same shall be held to be severable from the other portions of this act and shall not be held to affect any other section or provision of this act.

213. Acts repealed

SEC. 17. The act of the Legislature of this State entitled "Supplement to an act entitled 'An act regulating the age, employment, safety, health and work hours of persons, employes and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof,' approved March twenty-fourth, one thousand nine hundred and four," which supplement was approved April fifth, one thousand nine hundred and five, and the acts amending said supplement approved respectively, March twenty-ninth, one thousand nine hundred and seven, and May first, one thousand nine hundred and eleven, are hereby repealed.

Bureau of Mines and Quarries

Code.—Standards of the Bureau of Mines.

XXIV. Inspection of Mines and Quarries.

XXV. Bureau of Mines Created.

XXIV. INSPECTION OF MINES AND QUARRIES

(P. L. 1914, chapter 236, approved April 17, 1914. Amendatory of and supplementary to P. L. 1904, chapter 64, approved March 24, 1904.)

Sec. 214. Minimum age for children; penalty.

215. Additional inspector; tenure.

214. Minimum age for children; penalty

SEC. 2. Section one of the act to which this act is amendatory and supplemental be and the same is hereby amended to read as follows:

1. No child under the age of fourteen (14) years shall be employed, allowed or permitted to work in any factory, workshop, mill or place where the manufacture of goods of any kind is carried on, or in any mine or quarry: any corporation, firm, individual, parent, parents or custodian of any child, who shall violate any of the provisions of this section, shall be liable to a penalty of fifty dollars for each offense.

215. Additional inspector; tenure

SEC. 3. In addition to the inspectors provided by the act to which this act is an amendment and supplement, and its supplements and amendments, the Commissioner of Labor shall immediately appoint one additional inspector who shall have practical knowledge and skill in the work in and operation of mines and quarries, whose salary, powers and duties shall be the same as of the inspectors appointed under the acts in this section mentioned. Said inspector

shall be appointed and shall hold his office and perform his duties subject to the provisions of the act entitled "An act regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities thereof, and providing for a civil service commission, and defining its powers and duties," approved April tenth, one thousand nine hundred and eight, and amendments thereof and supplements thereto.

XXV. BUREAU OF MINES CREATED

A FURTHER SUPPLEMENT to an act entitled "An act to reorganize the Department of Labor, to provide for the execution of its powers and the performance of its duties through departmental bureaus, under the supervision and control of the Commissioner of Labor; and, as incidental to such reorganization, to provide for the transfer and assignment of officials and employees in the present department, and to extend the term of office of the Commissioner of Labor," passed March fourteenth, one thousand nine hundred and sixteen, creating a Bureau of Mines in the Department of Labor and defining its powers and duties.

(P. L. 1919, chapter 187, approved April 15, 1919; supplemental to P. L. 1916, chapter 40.)

- Sec. 216. Definitions: "mine;" "operator;" "inspector;" "excavations and workings."
- 217. Bureau of Mines created.
- 218. Appointment of inspector and employes; proviso; salaries and expenses.
- 219. Qualifications of inspector.
- 220. Inspector to report only to Commissioner of Labor.
- 221. Seal.
- 222. Duties of inspector; right to enter mines to make inspections; assistance provided.
- 223. If mine deemed dangerous, operator directed to make necessary changes; copy of notice in evidence; if conditions continue, notice to cease operation.
- 224. On complaint, examination made; if found dangerous, operator notified to remedy condition; complaint filed.
- 225. Accidents and deaths in mines reported; investigation and report by inspector; when case laid before prosecutor.
- 226. Penalty for violation by operator.
- 227. Recovery of penalties.
- 228. Entries in "Record of Inspection;" record open to inspection.

229. Annual report by Commissioner of Labor; what report to contain.
230. Stretcher, etc., and first aid remedies kept; proviso; first aid corps; instruction.
231. Map of workings; excavations shown on map.
232. (a) Explosives, magazine, storage, quantity; proviso; thawing powder; (b) regulation of general supply stores; (c) metal tamping bars not allowed in charging hole; (d) warnings of blasting as to wires found.
233. Fire protection.
234. Separate escapement shafts or exits; proviso; if no separate exit; size of exit; sign boards in mines.
235. (a) Indicator on hoisting machinery; (b) speed in lowering and hoisting men; (c) daily inspection of hoisting machinery; (d) ropes, cables; (e) head frames; (f) safety cage; safety catch; cages and skips properly equipped; platforms for riding; (g) provision for hoisting by bucket; (h) number of persons riding at one time; not ride with load; (i) carrying materials; (j) riding with load; (k) lowering cage, etc.; (l) protection from falling material; (m) bulkhead between crews; (n) construction of bulkhead; (o) to prevent bucket running back; (p) safety hook; (q) release signal; (r) hoistman.
236. (a) Mines must have two outlets; responsibility for repairs; notice of obstruction; outlets in abandoned mine; (b) shaft divided into compartments; ladderway; drift; raise kept repaired; (c) structure over outlet; as to house; existing houses; (d) fireproof door; (e) ladderway on slope; connect floors; (f) permanent ladderways; platforms; platform enclosed; (g) ladder in sinking shaft; (h) suitable passageways; guard rail; (i) protection at top of shaft; (j) winzes or raises; (k) opening protected; (l) existing winzes covered.
237. Pure air; spraying to settle dust or gases; carbondioxide in air; waste timber.
238. (a) Lighting; (b) lamp or candle not to be left burning.
239. (a) Bore-hole; (b) when approaching water; (c) when in danger from inrush of water; (d) impounding water.
240. Boys under eighteen not to be employed in mine.
241. Visitors.
242. Wash and clothes room.
243. Tampering with mechanism, etc.
244. Cautionary notices and danger signals.
245. Fire helmets.
246. (a) Signaling device; system of communication; (b) station tender.
247. Height of trolley wires.
248. Code of signals; station signals; moving cage; signal code posted.
249. Special signals.
250. Copy of act kept at mine.
251. Penalty for violations.
252. Repealer.

216. Definitions: "mine;" "operator;" "inspector;" "excavations and workings"

SEC. 1. Definition of Terms. 1. For the purpose of this act the following words and terms shall be deemed and taken to have the meanings herein given to them:

Mine.—The term "mine" shall include any and all mines within the State, and any mining plant and equipment therewith, underground or on the surface, which contributes or may contribute to the mining or handling of ore, coal or other metalliferous or nonmetalliferous products.

Operator.—The term "operator," when used in this act, shall mean the person, firm, association, company or corporation in immediate possession of any mine or mining claim, or accessories thereof, as owner or lessee thereof, and as such responsible for the management and condition thereof.

Inspector of Mines.—The term "inspector of mines" or "inspector" when used in this act shall mean the inspector attached to the Bureau of Mines.

Excavations or Workings.—The words "excavations" and "workings," when used in this act, shall mean any or all parts of a mine excavated or being excavated, including shafts, tunnels, entries, winzes, raises, stopes, open cuts and all working places, whether abandoned or in use.

217. Bureau of Mines created

SEC. 2. There is hereby created within the Department of Labor a Bureau of Mines. Such bureau shall consist of an inspector of mines, who shall have practical knowledge and skill in the work in and operation of mines and such additional employees, as may, in the judgment of the Commissioner of Labor, be necessary.

218. Appointment of inspector and employees; proviso; salaries and expenses

SEC. 3. The inspector of mines and other employees shall be appointed by the Commissioner of Labor in accordance with the provisions of an act entitled "An act regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities thereof, and providing for a Civil Service Commission, and defining its powers and duties," approved April tenth, one thousand nine hundred and eight; *provided, however,* that nothing contained in this act shall limit in any way the

power granted the Commissioner of Labor under the provisions of the act of which this act is a supplement, to assign or transfer inspectors from one bureau to another, or stenographers or clerks from one bureau to another, as may be necessary or advisable, or to require from one bureau assistance in the work of another bureau. The salaries of the inspector and other employees shall be fixed by the Commissioner of Labor. The inspector and other employees or appointees in this bureau shall, in addition to their compensation, be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

219. Qualifications of inspector

SEC. 4. The inspector of mines shall be a qualified elector of the State and a resident thereof at least two years prior to his appointment, and not under thirty years of age, and shall have been practically engaged in and acquainted with mines and mining in this state, and shall have at least seven years' experience in the underground mining.

220. Inspector to report only to the commissioner

SEC. 5. The inspector of mines nor any employee shall not, for any purpose whatever, make a report on any mine or mining property or prospect, except an official report to the Commissioner of Labor; nor shall he make public or reveal to any person any knowledge of information obtained by him in the exercise of his official duties concerning ores, ore bodies or values of any mine or part thereof. Any employee of this bureau who shall violate any of the provisions of this paragraph shall be dismissed from his position.

221. Seal

SEC. 6. The inspector of mines shall have a seal bearing the words "Inspector of Mines, State of New Jersey," which shall be kept by him exclusively for the use of his office, and said seal shall be affixed to official documents only.

222. Duties of inspector; right to enter mines to make inspections; assistance provided

SEC. 7. It shall be the duty of the inspector to visit, at least once in every three months, every mine in this State, employing twenty-five or more men underground, and every other working mine em-

playing six or more men, at least twice each year, and oftener, if in his opinion the safety of the men employed in the mine so requires; and to inspect, investigate, inquire and examine into the operation, workings, timbering, safety appliances, machinery, sanitation, ventilation, means of ingress and egress, means taken to protect the lives and insure the safety of the miners, together with the cause of accidents and accidental deaths therein, and in general to inspect, ascertain what means are taken to comply with the provisions of this act. For the purpose of making such inspection, and ascertaining facts in connection with such investigation, examination and inquiry the inspector shall have full power and authority upon exhibition of his certificate of appointment, at all hours, to enter and examine any part of a mine, and to visit, investigate and examine any plant or equipment connected therewith within this State of any part of the workings thereof. All operators and their employees shall render to the inspector such assistance as may be necessary to enable the inspector to make such examination.

223. If mine deemed dangerous, operator directed to make necessary changes; copy of notice in evidence; if conditions continue, notice to cease operation

SEC. 8. If upon examination or inspection it shall appear to the inspector of mines that a mine or part thereof is, from any cause, in a dangerous condition, or fails to comply with the provisions of this chapter, he shall at once notify the operator or his agent in charge thereof, such notice to be in writing and to be served by copy upon the operator, or his agent in charge. Said notice shall state in detail in what particular said mine or part thereof is deemed dangerous, insecure or not in compliance with the provisions of this act, and shall state what necessary changes should be made to provide safety for employees, or other compliances to be made, and provide reasonable specified time within which to make same; and the operator of said mine shall forthwith make such change or compliance in accordance with said inspector's requirements.

In case of any civil or criminal procedure at law against the parties so notified, on account of loss of life or bodily injuries sustained by an employee, subsequent to such notice, and in consequence of such dangerous condition, a certified copy of the notice served by the inspector shall be prima facie evidence of the negligence of such party or parties.

If it appears from a re-examination of the mine by the inspector that such changes or compliances have not been made within the time specified in such notice, and that the mine or part of such mine is still in condition dangerous to life or health, and in the opinion of the inspector it is necessary for the life or health of the employees in such mine or a part of the mine that the same be vacated, it shall be the duty of the inspector forthwith to order the cessation of the operation and working of said mine or part of mine, and to order that the employees shall not be permitted therein for the purposes other than to remedy the defects complained of, until the provisions of this act are complied with to the satisfaction of the inspector, and the said mine or part of the mine made safe for the employees therein. The operator of said mine shall forthwith obey said order.

224. On complaint, examination made; if found dangerous, operator notified to remedy condition; complaint filed

SEC. 9. Whenever the inspector receives a complaint in writing signed by two or more persons employed in a mine, setting forth that the mine or part thereof in which he or they are working is being operated contrary to law, or is dangerous in any respect to the health or lives of those employed therein, the chief inspector must examine such mine as soon as possible. The names of the persons making such complaint shall be kept secret, unless permission to disclose them be expressly granted by the persons making the complaint. Such complaint shall in all cases set forth the nature of the danger existing at the mine, and the time when such danger was first observed. If, after such inspection, the inspector finds the conditions, in his opinion, dangerous to the health or lives of those employed therein, he shall serve a notice, setting forth fully the facts, upon the operator or any person having charge of such mine, and shall order the operator of said mine or mines to remove such dangerous or harmful conditions, and the operator of said mine shall obey said order.

It shall be the duty of the inspector to forward every such original complaint so received to the office of the Bureau of Mines, where it shall be indexed and filed among the official papers of the bureau.

225. Accidents and deaths in mines reported; investigation and report by inspector; when case laid before prosecutor

SEC. 10. Whenever loss of life or serious accident shall occur in any mine within this State, the owner, agent, manager or operator having charge or operating such mine, shall give notice immediately in the quickest possible manner, and report the facts thereof in writing to the office of the Bureau of Mines. The refusal or failure of said owner, agent, manager or operator to so report shall be deemed a misdemeanor. The inspector upon receipt of notice of such accident, shall investigate the same and make, or cause to be made, a report which shall be filed in his office for future reference. In case of the loss of life, said inspector shall appear at the coroner's inquest held respecting such accident, and may examine or cross-examine witnesses relative to the same, for the purpose of ascertaining the cause of such accident and for his information in filing a report concerning the same. If, after making such investigation, the inspector considers the facts warrant it, it shall be his duty to cause a copy of the report of such accident, or a copy of the testimony taken at the coroner's inquest, together with the verdict of the coroner's jury, and all papers in his hands relating thereto, to be forwarded to the prosecuting officer of the county in which the accident or loss of life occurred, together with an accompanying statement, showing in what particular or particulars he believes the law to have been violated, and if upon the receipt thereof, the prosecuting officer of the said county deems the facts sufficient to make a prima facie case of criminal action against any person or persons, he shall present such evidence to the grand jury, or take such steps for the criminal prosecution of such operator, employees or persons as may seem advisable.

226. Penalty for violation by operator

SEC. 11. If any corporation, firm, person or persons, owning or operating a mine, coming under the provisions of this act, shall violate any of the provisions of this act he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, and not to exceed five hundred dollars, or imprisonment in the county jail, not to exceed one year, or both such fine or imprisonment.

227. Recovery of penalties

SEC. 12. All penalties for violation of any provisions of this act shall be sued for and recovered by the Commissioner of Labor of the State of New Jersey for the use of said State in the same way and manner as penalties incurred by violation of an act entitled "An act regulating the age, employment, safety, health and work hours of persons, employees and operatives in newspaper plants, printeries, factories, workshops, mills, commercial laundries, and all places where printing or the manufacture of goods of any kind is carried on, and in mines and quarries, and to establish a department for the enforcement thereof," approved March twenty-fourth, one thousand nine hundred and four.

228. Entries in "Record of Inspection;" record open to inspection

SEC. 13. It shall be the duty of the inspector, after every inspection made of any mine or part of any mine, as provided in this act, to enter forthwith, in a book to be kept at the mine, and designated as the "Record of Inspection," the portion of the mine so inspected, the nature of such inspection, and every dangerous defect observed in the state and condition of the mine, machinery and appliances: but nothing contained in or omitted from such entry shall limit or affect the duty and obligation of the owner or operator of such mine under this act. Such "Record of Inspection" shall be open at all reasonable times to the examination of the chief inspector or deputy inspectors, and to the examination of any operator or person following the occupation of mining.

229. Annual report by Commissioner of Labor; what report to contain

SEC. 14. It shall be the duty of the Commissioner of Labor to file with the Governor an annual report to be embodied in the annual report of the Commissioner of Labor, giving a statistical summary and report of the work of the Bureau of Mines during the year ending June thirtieth. Such report shall contain a statement showing the men employed in each mine in the State, and, separately, the number of men employed above ground and underground, the number and nature of fatal and serious accidents occurring in each mine, the number of inspections made, complaints filed, inquests attended, mines or mine workings ordered to be vacated, violations found, and other information of law deemed important and relevant by the inspector

of mines, together with such recommendations as, in the judgment of the inspector or the Commissioner of Labor, are necessary or desirable to the carrying out of this act and to insure the safety of the workmen employed in mines.

230. Stretcher, etc., and first aid remedies kept; proviso; first aid corps: instruction

SEC. 15. It shall be the duty of the mine operator, superintendent, or any one in charge of a mine, where ten or more men are employed, to keep at the mouth of the tunnel, shaft, or stope, or at such other place about the mine as may be designated by the chief inspector, a stretcher and a woolen and waterproof blanket, in good condition, for use in carrying any person who may be injured at the mine. Where more than fifty persons are employed, two or more stretchers with woolen and waterproof blankets shall be kept, and in all mines, a supply of first aid remedies shall be kept readily accessible for the treatment of any one injured; *provided*, that in all mines where one hundred or more men are employed, a first-aid corps must be organized, consisting of the foreman or foremen, shift bosses, time-keepers, and other employees designated by the operator or superintendent of the mine to cause the organization of such; and to procure the services of a competent surgeon and physician to instruct the members of such first-aid corps from time to time, not less than once in each calendar month, in the proper handling and treatment of injured persons before the arrival of a physician.

231. Map of workings: excavations shown on map

SEC. 16. When considered necessary by the inspector, and so ordered by him, the operator of every mine employing five or more men underground shall make and maintain, or cause to be made and maintained, a reasonably accurate map of the workings of such mine. At least once in every six months, or oftener, if necessary, the operator or engineer of such mine shall cause to be shown, with reasonable accuracy on the map of said mine, all the excavations made therein during the time elapsed since excavations were last shown on said map, and all parts of said mine which were worked and abandoned during said elapsed period of time shall be clearly indicated on said map, and all underground workings shall be surveyed and mapped before they are allowed to become inaccessible. Such maps shall at all times be open to examination of the inspector of mines.

232. (a) Explosives, magazine, storage, quantity; proviso; thawing powder; (b) regulation of general supply stores; (c) metal tamping bars not allowed in charging hole; (d) warnings of blasting; as to wires found

SEC. 17. (a) All explosives must be stored in a magazine provided for that purpose alone: said magazine to be placed far enough from the working shaft, tunnel or incline to insure the same remaining intact in the event the entire stock of explosives in said magazine be exploded; no powder or other explosives shall be stored in underground workings where men are employed: all explosives in excess of the amount required for twenty-four hours' work must be kept in said magazine; *and provided*, that such temporary supply shall not be kept at any place within such mine where its accidental discharge would cut off the escape of miners working therein. Each mine or operator shall provide a suitable device for thawing or warming powder and keeping same in condition for use, and no powder shall be thawed except in such device; oils or other combustible substances or blasting caps shall not be kept or stored in the same magazine with explosives.

(b) The inspector of mines shall have authority to regulate and limit the amount of blasting or nitro powder or other high explosives, stored or kept in general supply stores, in mining camps or mining towns, where there is no law governing the storage of same.

(c) No person shall, whether working for himself or in the employ of any person, firm or corporation, while loading or charging a hole with any blasting powder or other high explosives, use or employ any steel or iron tamping bar; nor shall any mine manager, superintendent, foreman, shift-boss or other person having the management or direction of mine labor, allow or permit the use of such steel, iron or metal tamping bar by employees under his management or direction.

(d) Before firing charges, warning must be given in every direction from which access may be had to the place where blasting is going on, and misfire holes shall be reported to the mine foreman or the shift-boss in charge of the locality of such holes. If the shots are fired by electricity, the place must be carefully examined before men are permitted to work therein. The miner in charge shall further instruct those employed in clearing the loose rock, to report to him immediately the finding of any wire in or under the loose rock, and in event

of such being discovered he shall at once order the work to cease until the wires have been carefully traced to their terminals in order to determine whether a misfire has occurred.

233. Fire protection

SEC. 18. All mines having but one exit, and the same covered with a building containing the mechanical plant, furnace room or blacksmith shop, shall have fire protection, water, if possible, and in mines where water is not available, chemical fire extinguishers or hand grenades shall be kept in convenient places for immediate use.

234. Separate escapement shafts or exits; proviso; if no separate exit; size of exit; sign boards in mines

SEC. 19. It is hereby made the duty of every person, firm or corporation, who shall have on any mine a vertical shaft or incline to a greater depth than one hundred feet, and who shall have drifted on or along the vein or veins a distance of two hundred feet or more and shall have commenced to stope, to provide and maintain to the hoisting shaft or the opening through which men are led into or out of the mine and the ore is extracted, a separate escapement shaft, raise or opening, or an underground opening or communication with some other contiguous mine; *provided*, that in case such contiguous mine belongs to a different person, firm or corporation, the right to use the outlet through such contiguous mine, in all cases when necessary, or in case of accident, must be secured and kept in force. Where such an escapement shaft or opening shall not be in existence at the time that stoping is commenced, work upon such an escapement shaft or opening must be commenced as soon as stoping begins, and be diligently prosecuted until same is completed, and said escapement shaft, raise or opening shall be continued to and connected with the lowest workings in the mine. The exit, escapement shaft, raise or opening provided for in this section must be of sufficient size to afford an easy passageway, and if it be a raise or shaft, must be provided with substantial ladders from the deepest workings to the surface. Whenever the exit or outlet herein provided for is not in a direct or continuous course, signboards plainly marked, showing the direction to be taken, must be placed at each departure from the continuous course.

235. (a) Indicator on hoisting machinery; (b) speed in lowering and hoisting men; (c) daily inspection of hoisting machinery; (d) ropes, cables; (e) head frames; (f) safety cage; safety catch; cages and skips properly equipped; platforms for riding; (g) provision for hoisting bucket; (h) number of persons riding at one time; not ride with load; (i) carrying materials; (j) riding with loads; (k) lowering cage, etc.; (l) protection from falling material; (m) bulkhead between crews; (n) construction of bulkhead; (o) to prevent bucket running back; (p) safety hook; (q) release signal; (r) hoistman

SEC. 20. (a) All hoisting machinery using steam, electricity, air, gasoline or hydraulic motive power, for the purpose of hoisting from or lowering into mines, employees and materials, except prospect shafts, not exceeding three hundred feet in depth, shall be equipped with an indicator, said indicator to be placed near to and in clear view of hearing of the engineer. This indicator must be in addition to marks on the rope or cable or drum.

(b) It shall be unlawful to hoist men out of, or lower men into a mine at a speed greater than eight hundred feet per minute. When it is shown that in running his engine at a greater speed than eight hundred feet per minute, the engineer has violated the orders of his employers, the engineer is subject to penalty.

(c) All hoisting machinery must be inspected once in every twenty-four hours by a competent person, appointed by the mine manager or superintendent for that purpose, and such inspector shall immediately report in writing to said manager or superintendent any and all defects found.

(d) All ropes or cables used for hoisting purposes shall be of approved quality and manufacture; and in shafts and winzes of over two hundred feet in depth, wire rope or cables only shall be used for hoisting purposes.

(e) All head frames where men are hoisted at a speed of over two hundred and fifty feet per minute, and where more than twenty-five men are employed, shall be so constructed as to allow at least twenty-five feet above the hoist landing stage, in which the cage, skip or bucket can travel freely in case of an overwind. The chief inspector may grant permission for the use of any head frame erected previous to the enactment of this law, which does not comply with the above conditions.

(f) It shall be unlawful for the operator of any mine to permit the hoisting or lowering of men in any shaft deeper than three hundred

feet, unless an iron-bonnet safety cage, equipped with gates at least five feet in height, be used for the hoisting or lowering of such men; but this provision shall not apply to shafts in process of sinking; every cage must have overhead bars of such arrangement as to give every man on the cage an easy and secure hand hold. Every cage or skip used for hoisting men must be provided with a safety catch of sufficient strength to hold the cage or skip with its maximum load at any point in the shaft in the event that the hoisting cable should break. The inspector of mines must see that all cages and skips are equipped in compliance with this paragraph, and that on all cages safety catches are kept well oiled and in good working condition. In any shaft of less than three hundred feet depth where no safety cage is used, and where cross-head or cross-heads are used, platforms for employees to ride upon, equipped with safety catches as for cages and skips herein mentioned, shall be provided.

(g) All vertical shafts more than two hundred feet deep, from which hoisting is done by means of a bucket, must be provided with suitable guides, and in connection with the bucket, there must be a cross-head travelling upon these guides. The height of the cross-head shall be at least one and one-half times its width. If the cross-head be a type that is not secured to the hoisting rope, a stopper, of design to be approved by the inspector, must be securely and rigidly fastened to the hoist rope to a suitable point above the rim of the bucket.

(h) The number of persons permitted to ride upon the deck of the cage or in or on a skip or bucket shall be determined by the inspector of mines, and in no case shall more than the number of men permitted by the said inspector be allowed to ride on the deck of such cage, or in or on such skip or bucket. No person shall ride upon a cage or in or on a skip or bucket when loaded with rock or ore.

(i) When tools, timber or other materials are to be loaded or hoisted in the shaft, the ends, if projecting above the top of the bucket, skip or other vehicle, shall be securely fastened to the hoisting rope or to the upper part of the vehicle, and tools, timber or other material loaded erectly upon a cage must be securely lashed before being hoisted or carried.

(j) No person shall ride upon any cage, skip or bucket that is loaded with tools, timber, powder or other material, except for the purpose of assisting in passing these through the shaft.

(k) In no case shall a cage, skip or bucket or other vehicle be lowered directly to the bottom of the shaft when men are working

there, but must be stopped at least fifteen feet above the bottom until the signal to lower further has been given by one of the men at the bottom of the shaft. This rule shall not apply to shafts less than fifty feet in depth.

(l) Persons engaged in deepening a shaft in which regular hoisting from an upper level is going on shall be protected from the danger of falling material by suitable covering, sufficient opening in the covering only being left for the passage of the bucket or other conveyance used in the sinking operations.

(m) In shafts, winzes or raises, where two or more crews of men are working, one crew above another, there shall be a bulkhead between each two crews of men, strong enough to stop any tools or other material that may fall from the men working above, and only the cage, skip or bucket compartment be left open.

(n) All shafts or winzes shall have a bulkhead over the men working in the bottom of the shaft or winze. Said bulkhead shall be built of timber not less than six inches in thickness, and said bulkhead shall be not more than fifty feet above the bottom of said shaft or winze, and provide ample protection for the men working at the bottom of said winze and shall be so constructed as not to shut off the air circulation; the cage, skip or bucket compartment only to be left open. All shafts or winzes shall be cleaned down below the bulkheads after each blasting.

(o) Windlasses and whims in use at or in mines shall be provided with a suitable plug or some other reliable device to prevent running back of the bucket or other conveyance.

(p) No open hook shall be used with a bucket in hoisting, but only some approved form of safety hook or shackle hook.

(q) A release signal of one bell to the hoisting engineer shall be given to release the cage, skip or bucket after it has been stopped at any station, to obviate the danger of movement of such cage, skip or bucket at any other station or point in shaft.

(r) At any mine where men are hoisted by mechanical means, a hoistman charged with the hoisting thereof, shall be kept on duty at the hoist at all times when men are underground.

236. (a) Mines must have two outlets; responsibility for repairs; notice of obstruction; outlets in abandoned mine; (b) shaft divided into compartments; ladderway; drift; raise kept repaired; (c) structure over outlet; as to house; existing houses; (d) fireproof door; (e) ladderway on slope; connect floors; (f) permanent ladderways; platforms; platform enclosed; (g) ladder in sinking shaft; (h) suitable passageways; guard rail; (i) protection at top of shaft; (j) winzes or raises; (k) opening protected; (l) existing winzes covered

SEC. 21. (a) Every mine shall have at least two outlets to the surface except as hereinbefore provided. Such outlets must not lead to the surface in one and the same house, and must not at any point be nearer to one another than thirty feet. In the event that two outlets of any mine, or part of them, do not belong to the same mine, the owners and operators of the respective mines shall be responsible for the outlet, or part of it, in their respective mines, being kept in proper repair; and shall any obstruction arise in any such outlet, or anything occur in one of the mines to jeopardize the safety of the outlet, the occurrence shall be immediately reported to the owner, manager or superintendent of the other mine or mines. If either of two outlets, or part of them, be situated in an abandoned mine or mines, the operator or operators of the working mine or mines shall be jointly and severally responsible for the proper maintenance and repair of such outlet or outlets.

(b) At every mine where a single shaft be allowed to afford the only means of ingress or egress to the persons employed underground, such shaft, if more than two hundred feet deep, shall be divided into at least two compartments, and one of the compartments shall be set aside for a ladderway, which must be equipped as hereinafter provided. Whenever such a single shaft be covered by a building not absolutely fireproof, the ladderway shall be securely bulkheaded at a point at least twenty-five feet below the collar of the shaft, and below this bulkhead, if the shaft is situated upon a side-hill, a drift shall be driven to the surface; if the shaft be situated in a level country, this drift shall be driven to a safe distance beyond the walls of the building, but in no case less than thirty feet, and from there a raise shall be made to the surface. This raise shall be equipped with a ladderway and it, together with the drift connecting with the main shaft shall be kept in good repair and shall afford a safe escape in the event of fire.

(c) After the enactment of this act, no structure shall be erected over an outlet of a mine, except the head frame, necessary for hoisting

from a shaft and the hatch or door necessary for hoisting from a shaft and the hatch or door required to protect, from inclemency of the weather, men obliged to work at the top of the shaft. If, for the latter purpose a house be required, the inspector may, in writing, grant permission for its construction, but such a house must be as small as possible, must be constructed of unflammable material, and the storage of any inflammable material inside of it, or within thirty feet of it, is prohibited. In the case of existing houses covering the mouths of the shafts and exits, no inflammable material shall be stored inside of them; nor outside of them, within a distance of thirty feet from the exterior walls of the house.

(d) Every exit of which the mouth is covered by a house or building of any kind, shall be provided with a fireproof door near the mouth of the exit that can be closed from outside of the building by means of a pull wire or cable, so as to keep the gases of combustion from entering the mine in the event that fire destroys the building at the mouth of the exit.

(e) Every shaft, winze, raise or incline or steeper slope than forty degrees from the horizontal, and deeper than forty feet, through which men are obliged to travel, shall be provided with a ladderway. Suitable ladders, or footways, shall be provided to connect floors of sets in stopes, and other places requiring communication in the mine. Every shaft shall have in addition to any mechanical means of ingress or egress, at least one proper ladder or footway communicating from the lowest workings of the mine to the surface.

(f) Permanent ladderways used for the ascent or descent of persons in the mine shall be sufficiently strong for the purpose demanded, and shall be firmly fastened and kept in good repair. In a vertical shaft the chief inspector may, in his own discretion, by an order in writing direct that the ladder shall be inclined at most convenient angle which the space in which the ladder is fixed allows, and every such ladder shall have substantial platforms, at intervals of not more than twenty feet.

The said platforms shall be closely covered, with the exception of an opening large enough to permit the passage of a man, and shall be so arranged that by no means could a person fall from one ladder through the opening to the next ladder.

(g) Ladderways shall be provided in all shafts in the course of sinking to within such distance from the bottom as will secure them from damage by blasting, but from the end of such ladderways portable ladders shall be extended to the bottom of the shaft.

(h) All stations or levels shall have a passageway around the working shaft so that crossing over the hoisting compartments may be avoided. All sumps shall be securely planked over. At all shaft stations a gate or a guard rail must be provided and kept in place across the shaft, except when cage, skip or bucket is being loaded, but this prohibition shall not prohibit the temporary removal of the gate or rail for the purpose of repairs or other operations, if proper precaution to prevent danger to persons is taken.

(i) The top of every mining shaft shall be protected by a substantial gate, guard rail or chain.

(j) Winzes or raises shall not be started in the direct line of a drift, but shall be offset from the drift. And every winze or raise now opening from below directly on any drift or tunnel, traveled by men, shall be covered by a grizzly or by doors.

(k) The opening of such offset, raise or winze shall be protected by a fence or guard rail not less than three feet or more than four feet in height above the level of the drift.

(l) Existing winzes, sumps, and all other openings in the floor of a drift or stope must be covered with a substantial hatch, or planking, or provided with guard rails.

237. Pure air; spraying to settle dust or gases; carbondioxide in air; waste timber

SEC. 22. An adequate amount of pure air shall be made to circulate through and into the shafts, winzes, levels and other working places of every mine, in such quantity as will maintain the same in a fit state for working and passing therein, and in all dry places where the operation of a power drill will produce dust all power drills used therein shall be equipped with a spraying device, and an adequate spraying system shall be installed and used to settle all dusts or gases that may be created. The total quantity of carbondioxide present in the air shall not exceed twenty-five one hundredths per centum by volume except that at any place where firing explosives has been done a higher percentage of carbondioxide shall be permissible for a reasonable length of time after the last explosion, and the operator shall be provided respirators whenever needed. Waste timber in underground workings shall not be piled up and permitted to decay, but shall be removed as soon as practicable.

238. (a) Lighting; (b) lamp or candle not to be left burning

SEC. 23. (a) Stationary lights deemed sufficient by the inspector of mines shall be provided during working hours at all stations in vertical and incline shafts during the time when in actual use, and also at all stations in levels where hoisting or hauling is effected by means of machinery, and also at night at all working places on the surface.

(b) No candle or lamp other than electric shall be left burning in a mine or any part of a mine when the person using the candle or lamp departs from his work for the day.

239. (a) Bore-hole; (b) when approaching water; (c) when in danger from inrush of water; (d) impounding water

SEC. 24. (a) When advancing a drift, exit, level or incline toward a mine working, that is suspected to be filled with water, a bore hole must be kept at least twenty feet in advance of the breast of the drive, and also, if necessary, in directions laterally from the course of the drive. Such a working place must not exceed six feet in width, and such additional precautionary measures shall be taken as may be deemed necessary by the inspector of mines to obviate the danger of a certain breaking through of water.

(b) No raise shall be allowed to approach within ten feet to any portion of a winze or stope in which there is a dangerous accumulation of water, unless such winze or stope be first unwatered by bailing or pumping or by means of a bore from the raise.

(c) In every mine where, in the opinion of the inspector, there is a danger of a sudden inrush of water, such additional raises, drifts or other workings shall be constructed as are necessary to insure the escape of workmen from the lower workings, and all sumps and places for the storage of water in mines shall be so constructed as to prevent leakage as far as possible, and insure the safety of the men working below the same.

(d) It shall be unlawful for any operator to impound water or to keep water impounded within any mine in which men are working below the water so impounded in such manner as to endanger the safety of such men, unless said water be impounded by a dam or dams or wall or walls approved by the inspector of mines.

240. Boys under eighteen not to be employed in mine

SEC. 25. Boys under eighteen years of age shall not be employed underground in a mine.

241. Visitors

SEC. 26. Strangers and visitors shall not be allowed underground unless accompanied by the owner, official or employee deputized to accompany them.

242. Wash and clothes room

SEC. 27. Every mine employing twenty-five men or more shall maintain and suitably equip a heated wash room and change room, immediately contiguous to said mine, which shall at all times be open to employees.

243. Tampering with mechanism, etc.

SEC. 28. No person shall knowingly injure or destroy a water-gauge barometer, air-course, brattice or other equipment or machinery of any mine; nor, unless lawfully authorized to do so, obstruct or open an airway, handle or disturb any part of the machinery of the hoisting engine of the mine, open the door of the mine and neglect to close it, endanger the mine or those working therein, disobey an order given in pursuance of the law, or do a willful act whereby the lives or health of persons working in such mines, or the security of a mine, or the machinery connected therewith, may be endangered.

244. Cautionary notices and signals

SEC. 29. Notices shall be placed by the superintendent, or under his direction by the mine foreman or shift-boss, at the entrance of any working place deemed dangerous, and at the entrance to old or abandoned workings; and no person other than those who are authorized by the operator, manager or superintendent, shall remove or go beyond any caution board or danger signal so placed.

245. Fire helmets

SEC. 30. At any mine employing twenty-five or more men underground, the operator shall provide, and keep in a readily accessible place, at least two fire-fighting helmets in condition to be used in case of emergency; also the operator or superintendent of such mine shall provide training for a crew in the use of such helmets, and tests at least once monthly of helmets by the actual use thereof by such crew shall be made.

246. (a) Signaling device; system of communication; (b) station tender

SEC. 31. (a) Every shaft and each compartment thereof used for hoisting, if exceeding fifty feet in depth, and not exempted in writing by the inspector, shall be provided with an efficient means of interchanging distinct and definite signals between the top of the shaft and the lowest level from which hoisting is being done, and the various intermediate levels for the time being in use. The signalling apparatus shall be either wire or cable, actuating a bell or a whistle, or a speaking tube, or a telephone, or an electric system, or two or more of these may be used in conjunction.

(b) In mines where a station tender is employed no person shall ring any signal bell except the station tender, except in cases of danger or when the main shaft is being sunk.

247. Height of trolley wires

SEC. 32. Electric trolley wires in all mines now equipped with same shall be at least six and one-half feet above the floor, and in all mines hereafter so equipped, at least seven feet above the floor.

248. Code of signals; station signals; moving cage; signal code posted

SEC. 33. The following signal code shall be used in all mines:

1 bell, stop immediately, if in motion.

1 bell, hoist muck.

1 bell, release cage, skip or bucket.

2 bells, lower.

3-1 bells, hoist men.

3-2 bells, lower men. Note: If bells rung slowly, move slowly.

5 bells, blasting or ready to shoot signal.

This is a caution signal, and if the engineer is prepared to accept it, he must acknowledge by raising the bucket or cage a few feet and then lowering it again.

After accepting this signal the engineer must be prepared to hoist men away from a blast as soon as the signal, 1 bell, is given, and must accept no other signal in the meantime.

4 bells, steam on or off.

6 bells, air on or off.

7 bells, danger signal. Followed by a station signal, calls cage to that station.

This signal takes precedence over all others except an accepted blasting signal.

STATION SIGNALS.

Bells.	Name of Station.	Bells.	Name of Station.
1-2.....	collar of shaft P	4-2.....	10
1-3.....	1	4-3.....	11
1-4.....	2	4-4.....	12
1-5.....	3	4-5.....	13
2-1.....	4	5-1.....	14
2-2.....	5	5-2.....	15
2-3.....	6	5-3.....	16
2-4.....	7	5-4.....	17
2-5.....	8	5-5.....	18
4-1.....	9		

Station signal must be given before hoisting or lowering signal.

The engineer must not move a cage, skip or bucket unless he understands the signal.

One copy of the signal code shall be posted on the head frame, one at each station, and before the engineer.

249. Special signals

SEC. 34. Special signals in addition to the above may be used at any mine, provided they are easily distinguished by their sound, or otherwise, from the foregoing code, and do not interfere with it in any way.

250. Copy of act kept at mine

SEC. 35. It shall be the duty of the superintendent of any mine, within the provisions of this law, to keep at all times in the office of said mine and in the timekeeper's office thereof, in an accessible place and subject to inspection by all workmen and persons interested in the same, at least one printed copy of this act.

251. Penalty for violations

SEC. 36. Any person who violates any of the provisions of this act, where other penalty is not expressly provided, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not less than fifty dollars or not more than five hundred dollars, or imprisonment in the county jail for not less than thirty days, or not to exceed one year, or both such fine and imprisonment.

252. Repealer

SEC. 37. All acts inconsistent with the provisions of this act or which conflict in any way therewith are hereby repealed.

Bureau of Explosives

XXVI. EXPLOSIVES LAW

Code.—Safety Standards for the Manufacture and Storage of Explosives.

AN ACT relating to the manufacture, keeping, storage, transportation and sale of explosives, and providing penalties for all violations of this act. (P. L. 1917, chapter 243, approved March 29, 1917.)

- Sec. 253. Explosives and other terms defined: "explosive," "magazine," "building," "factory building," "railroad," "highway," "efficient artificial barricade," "person."
254. Making or keeping explosives; prohibitions and exceptions; not given minors.
255. Factories and magazines at certain distances from buildings, etc.; proviso; maximum storage; quantity and distance table.
256. Maximum allowed.
257. Distance reduced, if protection, natural or artificial, sufficient.
258. Explosives kept in containers; exceptions; particles not allowed on outside containers.
259. Two classes of magazines: (a) first class: construction; notice posted; opening package; detached magazines; proviso; (b) second class: construction, notice posted.
260. Blasting caps, etc.
261. Dealers to report to Commissioner of Labor; certificate of compliance: (1) location of magazine; (2) kind of explosives; (3) distance from building; inspection; capacity of magazine; certificate of compliance issued; validity; facsimile posted; changed conditions: (a) building nearer; (b) railroad; (c) highways; Commissioner notified; action by Commissioner; cancellation of certificate; explosives removed.
262. License fee.
263. Annual inspection: inspectors; appointment and tenure; salaries.
264. Authorized to enter building containing explosives.
265. Carrying explosives on highway; danger signal; driver sober and not smoke, etc.; carrying metal; carrying matches.

- 266. Discharging firearms.
- 267. Penalties.
- 268. Unlawful possession or use a felony.
- 269. Exceptions: (a) lawful authorities; (b) transportation, farming purposes.
- 270. Municipal ordinances not affected.
- 271. Use of liquor and matches; uses of safety matches; containers for matches supplied.
- 272. Indemnity bond filed by owners or operators; amount; application for exemption.
- 273. Constitutionality of act.
- 274. Repealer.
- 275. Act effective.

253. Explosives and other terms defined: "explosive," "magazine," "building," "factory building," "railroad," "highway," "efficient artificial barricade," "person"

SEC. 1. Definitions. The term "explosive" or "explosives" whenever used in this act shall be held to mean and include any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

The word "magazine" as used herein means any building or other structure, other than a factory building, used for the storage of explosives.

The term "building" or "buildings" as used herein shall be held to mean and include only a building or buildings occupied in whole or in part as a habitation for human beings, or any church, school-house, railroad station, store or other building where people are accustomed to assemble.

The term "factory building" as used herein shall be held to mean any building or other structure (including rest and blending houses) in which explosives are manufactured or handled, excepting magazines.

The term "railroad" as used herein shall be held to mean and include any steam, electric or other railroad which carries passengers for hire.

The term "highway" as used herein shall be held to mean and include any public street, public alley or public road.

The term "efficient artificial barricade" as used herein shall be held to mean an artificial mound or properly revetted wall of earth of a minimum thickness of not less than three feet at the top.

The term "person" as used herein shall be held to mean and include firms and corporations, as well as natural persons.

Words used in the singular number shall include the plural and the plural the singular.

254. Making or keeping explosives; prohibitions and exceptions; not given minors

SEC. 2. Prohibitions and Exceptions. No person shall manufacture, have, keep or store explosives in this State, except in compliance with this act, except that explosives may be manufactured without compliance with this act in experimental and analytical laboratories, permission for which has been obtained in writing from the Commissioner of Labor, or his authorized representative, in the laboratories of schools, colleges and similar institutions for the purpose of instruction and investigation.

It shall be unlawful to sell, give away or otherwise dispose of or deliver to any person under eighteen years of age any high explosives, whether said person is acting for himself or for any other person.

255. Factories and magazines at certain distance from buildings, etc.; proviso; maximum storage; quantity and distance table

SEC. 3. Quantity and Distance Table. All factory buildings and magazines in which explosives are had, kept or stored must be located at distances from buildings, railroads and highways in conformity with the following quantity and distance table, and this table shall be the basis on which applications for certificate of compliance, as provided in section nine hereof, shall be made and the certificates of compliance issued; *provided*, that the quantity and distance table may be disregarded and a certificate of compliance may be issued for two second-class magazines (see section seven) in any building not otherwise prohibited by law, if the contents and location of the magazine are as follows: (a) one second-class magazine containing not more than fifty (50) pounds of explosives may be allowed if the second-class magazine is placed on wheels and located not more than ten feet from and on the same floor with and directly opposite to the

entrance on the floor nearest the street level; (b) one second-class magazine containing not more than five thousand (5,000) blasting caps may be allowed if the said second-class magazine is placed on wheels and located on the floor nearest street level. It shall be unlawful to store in any magazine more than thirty thousand (30,000) pounds of any explosive unless packed in containers, as provided in section six.

The quantity and distance table governing the manufacture, keeping and storage of explosives is as follows:

QUANTITY AND DISTANCE TABLE.

Column 1.				Column 2.	Column 3.	Column 4.
Quantity that may be had, kept or stored.				Distance from	Distance from	Distance from
Blasting and Electric Blasting Caps.		Other Explosives.		Nearest Bld'g.	Nearest Railway.	Nearest Highway.
Number Over	Number Not Over	Pounds Over	Pounds Not Over	Feet.	Feet.	Feet.
1,000	5,000	...	...	30	20	10
5,000	10,000	...	...	60	40	20
10,000	20,000	...	...	120	70	35
20,000	25,000	...	50	145	90	45
25,000	50,000	50	100	240	140	70
50,000	100,000	100	200	360	220	110
100,000	150,000	200	300	520	310	150
150,000	200,000	300	400	640	380	190
200,000	250,000	400	500	720	430	220
250,000	300,000	500	600	800	480	240
300,000	350,000	600	700	860	520	260
350,000	400,000	700	800	920	550	280
400,000	450,000	800	900	980	590	300
450,000	500,000	900	1,000	1,020	610	310
500,000	750,000	1,000	1,500	1,060	640	320
750,000	1,000,000	1,500	2,000	1,200	720	360
1,000,000	1,500,000	2,000	3,000	1,300	780	390
1,500,000	2,000,000	3,000	4,000	1,420	850	420
2,000,000	2,500,000	4,000	5,000	1,500	900	450
2,500,000	3,000,000	5,000	6,000	1,560	940	470
3,000,000	3,500,000	6,000	7,000	1,610	970	490
3,500,000	4,000,000	7,000	8,000	1,660	1,000	500
4,000,000	4,500,000	8,000	9,000	1,700	1,020	510
4,500,000	5,000,000	9,000	10,000	1,740	1,040	520
5,000,000	7,500,000	10,000	15,000	1,780	1,070	530
7,500,000	10,000,000	15,000	20,000	1,950	1,170	580
10,000,000	12,500,000	20,000	25,000	2,110	1,270	630
12,500,000	15,000,000	25,000	30,000	2,260	1,360	680
15,000,000	17,500,000	30,000	35,000	2,410	1,450	720

QUANTITY AND DISTANCE TABLE.—Con.

Column 1.		Column 2. Column 3. Column 4.				
Quantity that may be had, kept or stored.		Distance from				
Blasting and Electric		Other		from	from	from
Blasting Caps.		Explosives.		Nearest	Nearest	Nearest
Number		Pounds		Bld'g.	Railway.	Highway.
Over	Not Over	Over	Not Over	Feet.	Feet.	Feet.
17,500,000	20,000,000	35,000	40,000	2,550	1,530	760
.....	40,000	45,000	2,680	1,610	800
.....	45,000	50,000	2,800	1,680	840
.....	50,000	55,000	2,920	1,750	880
.....	55,000	60,000	3,030	1,820	910
.....	60,000	65,000	3,130	1,880	940
.....	65,000	70,000	3,220	1,940	970
.....	70,000	75,000	3,310	1,990	1,000
.....	75,000	80,000	3,390	2,040	1,020
.....	80,000	85,000	3,460	2,080	1,040
.....	85,000	90,000	3,520	2,120	1,060
.....	90,000	95,000	3,580	2,150	1,080
.....	95,000	100,000	3,630	2,180	1,090
.....	100,000	125,000	3,670	2,200	1,100
.....	125,000	150,000	3,800	2,280	1,140
.....	150,000	175,000	3,930	2,360	1,180
.....	175,000	200,000	4,060	2,440	1,220
.....	200,000	225,000	4,190	2,520	1,260
.....	225,000	250,000	4,310	2,590	1,300
.....	250,000	275,000	4,430	2,660	1,340
.....	275,000	300,000	4,550	2,730	1,380

256. Maximum allowed

SEC. 4. No quantity in excess of three hundred thousand (300,000) pounds, or in the case of blasting caps no number in excess of twenty million (20,000,000) caps, shall be had, kept or stored in any factory building or magazine in this State.

257. Distance reduced if protection, natural or artificial, sufficient

SEC. 5. Whenever the building, railroad or highway to be protected is effectually screened from the factory building or magazine where explosives are had, kept or stored either by natural features of the ground or by efficient artificial barricade of such height that any straight line drawn from the top of any side wall of the factory building or magazine to any part of the building to be protected will pass through such intervening natural or efficient artificial barricade,

and any straight line drawn from the top of any side wall of the factory building or magazine to any point twelve feet above the center of the railroad or highway to be protected will pass through such intervening natural or efficient artificial barricade, the applicable distances given in columns two, three and four of the quantity and distance table may be reduced one-half. The efficacy of all natural or artificial barricades shall be approved by the Commissioner of Labor or his authorized representative.

258. Explosives kept in containers; exceptions; particles not allowed on outside containers

SEC. 6. Containers. Except only at a factory building, and except while being used, no person shall have, keep or store explosives at any place within this State unless such explosives are completely enclosed or encased in tight metallic, wooden or fibre containers, and except while being transported, or used, or in the custody of a common carrier awaiting shipment or pending delivery to consignee during the time permitted by Federal law, explosives shall be kept and stored in a magazine constructed and operated as provided in section seven of this act, and no person having explosives in his possession or control shall, under any circumstances, permit or allow any grains or particles to be or remain on the outside or about the containers in which such explosives are held. All containers in which explosives are held shall be plainly marked with the name of the explosive contained therein.

259. Two classes of magazines: (a) first class; construction; notice posted; opening package; detached magazines; proviso; (b) second class; construction; notice posted

SEC. 7. Magazines. Magazines in which explosives may lawfully be kept or stored shall be of two classes, as follows:

(a) Magazines of the first class shall consist of those containing explosives exceeding fifty pounds, and shall be constructed of brick, concrete, iron or wood with outside covering of iron, and shall have openings only for ventilation and entrance of a design approved by the Commissioner of Labor or his duly authorized representative. The doors of such magazine must at all times be kept closed and locked except when necessarily opened for the purpose of storing or removing explosives therein or therefrom, by persons lawfully entitled to enter the same. Every such magazine shall have sufficient

openings for ventilation thereof, which must be screened in such manner as to prevent the entrance of sparks of fire through the same. Upon each end of such magazine, above the side walls thereof, or upon its barricade, there shall at all times be conspicuously posted a sign with the words "Magazine—Explosives—Dangerous" legibly painted in white paint with a black background thereon in letters not less than six inches high. No matches or fire or other flame-producing device of any kind, except electric incandescent flash lights, shall at any time be permitted in any such magazine. No package of explosives shall at any time be opened within fifty (50) feet of any magazine, nor shall an explosive be kept therein except in the original containers. Magazines in which more than fifty (50) pounds of explosives are kept and stored must be detached from other structures, and magazines where more than five thousand (5,000) pounds of explosives are kept and stored must be located at least two hundred (200) feet from any other magazine, and magazines where explosives over twenty-five thousand (25,000) pounds are kept and stored must have an increase over two hundred (200) feet of two and two-thirds (2 2-3) feet for each one thousand (1,000) pounds of explosives in excess of twenty-five thousand (25,000) pounds stored therein; *provided*, that where magazines are protected one from the other by approved natural or efficient artificial barricades, the distance above specified may be reduced one-half.

(b) Magazines of the second class shall be constructed of brick, concrete, iron, or wood with outside covering of iron, and no more than fifty pounds of explosives shall at any time be kept or stored therein and except when necessarily opened for use by authorized persons, shall at all times be kept securely locked. Upon each magazine there shall at all times be kept conspicuously posted a sign with the words "Magazine—Explosives—Dangerous" legibly painted thereon with white paint upon a black background, and not more than two such magazines shall be had or kept in any building.

260. Blasting caps, etc.

SEC. 8. Blasting Caps. No blasting caps, or other detonating or fulminating caps, or detonators, shall be kept or stored in any magazine in which other explosives are kept or stored.

261. Dealers to report to Commissioner of Labor; certificate of compliance: (1) location of magazine; (2) kind of explosives; (3) distance from building; inspection; capacity of magazine; certificate of compliance issued; validity; facsimile posted; changed conditions: (a) building nearer; (b) railroad; (c) highways; Commissioner notified; action by Commissioner; cancellation of certificate; explosives removed

SEC. 9. Certificate of Compliance. All persons engaged in keeping or storing explosives on the date when this act takes effect shall within sixty (60) days thereafter, and all persons engaging in keeping or storing explosives after this act takes effect shall, before engaging in the keeping or storing of explosives, make a report in writing, subscribed to by such person, or his agent, to the Commissioner of Labor, the report stating:

(1) The location of the magazine, if then existing, or in case of a new magazine, or a removal of any existing magazine, the proposed location of such magazine.

(2) The kind of explosives that are kept or stored, or intended to be kept or stored, and the maximum quantity that is intended to be kept or stored thereat.

(3) The distance that such magazine is located, or intended to be located, from the nearest buildings, railroads and highways.

The Commissioner of Labor shall, as soon as may be after receiving such report, cause an inspection to be made of the magazine, if then constructed, and, in the case of a new magazine, or the removal of an existing magazine, as soon as may be after the same is found to be constructed or removed in accordance with the specifications provided in section seven of this act, and before any explosives may be stored therein, the Commissioner of Labor shall determine the amount of explosives that may be kept and stored in such magazine by reference to the quantity and distance table set forth in section three of this act, and shall issue a certificate to the person applying therefor, showing compliance with the provisions of this act, which certificate shall set forth the character and maximum quantity of explosives that may be had, kept or stored in said magazine. Such certificate of compliance shall be valid until cancelled for one or more of the causes hereinafter provided, and a facsimile copy of said certificate, protected from the weather, shall be conspicuously posted on the outside of said building, within ten feet of the door, and on the same side of the building as the door, at a height of not over six feet from the ground. Whenever by reason of change in the physical

conditions surrounding said magazine at the time of the issuance of the certificate of compliance therefor, such as:

(a) The erection of buildings nearer said magazine.

(b) The construction of railroads nearer said magazine, or

(c) The opening for public travel of highways nearer said magazine; then notice of said change or changes must be given in writing to the Commissioner of Labor or his authorized representative, and the amounts of explosives which may be lawfully had, kept or stored in said magazine must be reduced to conform to such changed conditions in accordance with the quantity and distance table, notwithstanding the certificate of compliance, and the Commissioner of Labor shall, after inspection by himself or his authorized representative, modify or cancel such certificate in accordance with the changed conditions. Whenever any person to whom a certificate of compliance has been issued keeps or stores in the magazine covered by such certificate of compliance any quantity of explosives in excess of the maximum amount set forth in said certificate of compliance, or whenever any person fails for thirty (30) days to pay the annual license fee hereinafter provided after the same becomes due or otherwise violates any of the provisions of this act, the Commissioner of Labor may cancel such certificate of compliance. Whenever a certificate of compliance is cancelled by the Commissioner of Labor for any cause hereinbefore specified, the Commissioner of Labor shall notify in writing the person to whom such certificate of compliance is issued of the fact of such cancellation, and shall in said notice direct the removal of all explosives stored in said magazine within ten days from the giving of said notice. Failure to remove the explosives stored in said magazine within the time specified in said notice shall constitute a violation of this act.

262. License fee

SEC. 10. Every person engaging in the keeping or storing of explosives shall pay an annual license fee for each magazine maintained, to be graduated by the Commissioner of Labor according to the quantity kept or stored therein, of not less than one dollar (\$1.00) nor more than twenty-five dollars (\$25.00). Said license fee shall be payable in advance to the Commissioner of Labor and by him paid to the State Treasurer.

263. Annual inspection; inspectors; appointment and tenure; salaries

SEC. 11. Inspection. The Commissioner of Labor shall make, or cause to be made, at least one inspection during every year of each licensed factory or magazine. The Commissioner of Labor shall appoint one or more inspectors who shall be subject to the direction and control of such Commissioner of Labor to carry out the provisions of this act, and such other duties as may be assigned to them by such Commissioner of Labor. Such inspectors shall be appointed in accordance with the provisions of an act regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities thereof, and providing for a Civil Service Commission and defining its powers and duties, approved April tenth, one thousand nine hundred and eight, and the acts amendatory thereto and supplementary thereof relative to the competitive class of the civil service. The Commissioner of Labor shall fix the salaries and compensation of such inspectors.

264. Authorized to enter building containing explosives

SEC. 12. Who may enter. No person, except an official as authorized herein, or a person authorized to do so by the owner thereof, or his agent, shall enter any factory, building, magazine or car containing explosives in this State.

265. Carrying explosives on highway; danger signal; driver sober and not smoke, etc.; carrying metal; carrying matches

SEC. 13. Transportation. Every vehicle while carrying explosives upon the public highway shall display upon an erect pole at the front end of such vehicle and at such height that it shall be visible from all directions, a red flag with the word "Danger" printed, stamped or sewed thereon, in white letters at least six inches in height, or in lieu of such flag the words "Explosives. Dangerous" must be painted or attached to the ends and each side of such vehicle in white letters on black background at least six inches in height.

It shall be unlawful for any person in charge of a vehicle containing explosives to smoke in, upon or near such vehicle, to drive the vehicle while intoxicated, to drive the vehicle in a careless or reckless manner, or to load or unload such vehicle in a careless or reckless manner, or to make unnecessary stops.

It shall be unlawful for any person to place or carry, or cause to be placed or carried, any metal tool or other similar piece of metal in the bed or body of a vehicle containing explosives, unless contained in a box or other container approved by the Commissioner of Labor or his authorized representatives.

It shall be unlawful for any person to place or carry, or cause to be placed or carried, in the bed or body of any vehicle containing explosives, any exploders, detonators, blasting caps or other similar explosive material, or to carry in or upon such vehicle any matches or other flame-producing device, except safety matches carried in a container approved by the Commissioner of Labor or his authorized representatives.

266. Discharging firearms

SEC. 14. No person shall discharge any fire-arm at or against any magazine or factory buildings.

267. Penalties

SEC. 15. Whoever fails to comply with or violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), and whoever, after receiving written notice from the Commissioner of Labor or his authorized representative, directing compliance with specified provisions of the act, fails to comply with the provisions of the act specified in said notice shall be guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding ten thousand dollars (\$10,000), or by imprisonment for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

268. Unlawful possession or use a felony

SEC. 16. Any person who shall have in his possession or control any shell, bomb or similar device, charged or filled with one or more explosives, intending to use the same or cause same to be used for an unlawful purpose, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in a State prison for a term of not less than five years nor more than twenty-five years. The possession or control by any person of any such device, so charged or filled, shall be deemed prima facie evidence of an intent to use the same, or cause the same to be used for an unlawful purpose.

269. Exemptions: (a) lawful authorities: (b) transportation, farming purposes

SEC. 17. (a) Nothing contained in this act shall apply to the regular military or naval forces of the United States or its allies, nor the duly authorized militia of any State or Territory thereof, nor to the police or fire departments of this State, or of any municipality or county within this State, providing the same are acting within their official capacity and in the performance of their duties.

(b) Nothing contained in this act shall apply to explosives while being transported upon vessels or railroad cars in conformity with the regulations adopted by the Interstate Commerce Commission; nor to the transportation or use of blasting explosives for agricultural purposes in quantity not exceeding two hundred (200) pounds at any one time; nor to any explosives in quantities not exceeding five pounds at any one time.

270. Municipal ordinances not affected

SEC. 18. Nothing contained in this act shall affect any existing ordinance, rule or regulation of any city or municipality not less restrictive than this act governing the manufacture, storage, sale, use or transportation of explosives, or affect, modify or limit the power of cities or municipalities in this State to make ordinances, rules or regulations not less restrictive than this act, governing the manufacture, storage, sale, use or transportation of explosives within their respective corporate limits.

271. Use of liquor and matches; uses of safety matches; containers for matches supplied

SEC. 19. Liquor and Matches. No employee or other person shall attempt to enter any explosive plant with matches or other flame-producing devices, except electric incandescent flash lights, or liquor or narcotics in his or her possession or control, or while under the influence of liquor or narcotics, or to partake of intoxicants or narcotics, while within the plant, under penalty of misdemeanor.

The superintendent may authorize in writing any employee or other person to have approved safety matches in his possession, or to depart from the other provisions of this section.

It shall be the duty of the superintendent or other person in charge of all plants included within this act to provide safety containers for matches at all entrances to said plants.

272. Indemnity bond filed by owners or operators; amount; application for exemption

SEC. 20. Indemnity Bonds. The owner or operator of every factory in which explosives are manufactured or handled, within sixty days after demand therefor in writing by the Commissioner of Labor upon such owner or operator, unless exempted therefrom as hereinafter provided, shall file and keep on file with the Department of Banking and Insurance of the State an indemnity bond payable to the State in such sums as may be determined by the said Commissioner of Labor and set forth in such demand, not in excess of one million dollars (\$1,000,000) nor less than one hundred thousand dollars (\$100,000), with surety or sureties satisfactory to said department, conditioned for the payment of all final judgments that may be rendered against said owner or operator for damages caused to persons and of property by reason of any explosion at said factory of the explosives there manufactured or handled. Any such owner or operator desiring to be exempted from filing such bond shall make application to the said Department of Banking and Insurance showing his financial ability to discharge all such judgments to the amount of said bond required by said commissioner that may be entered against him, whereupon said department, if satisfied of such financial ability of the applicant, shall by written order exempt such applicant from the filing of such bond; and said Department of Banking and Insurance may from time to time require further statements from the applicant showing his financial ability aforesaid, and, if dissatisfied therewith, may in its discretion revoke such exemption and require the filing of such bond.

273. Constitutionality of act

SEC. 21. In case any provision of this act shall be adjudged unconstitutional or void for any other reason, such adjudication shall not affect any of the other provisions of this act.

274. Repealer

SEC. 22. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

275. Act effective

SEC. 23. This act shall take effect six (6) months after its passage and approval.



Bureau of Industrial Statistics

- XXVII. Organization and Duties of Bureau of Industrial Statistics.
- XXVIII. Reporting of Industrial Accidents.
- XXIX. Co-operative Societies.
- XXX. Labor Unions.

XXVII. ORGANIZATION AND DUTIES OF BUREAU OF INDUSTRIAL STATISTICS

AN ACT to establish a bureau of statistics on the subject of labor considered in all its relations to the growth and development of the State.

(P. L. 1878, ch. 105, approved March 27, 1878; supplemented by P. L. 1898, ch. 112, and P. L. 1899, ch. 24.)

- Sec. 276. Duties of bureau.
- 277. Additional duties.
- 278. Names of informants not to be divulged.
- 279. Returns by owners, etc., of mills, etc., duty to make.
- 280. Penalty for willful neglect to make returns.

Preamble.—Whereas, as guardians of the public welfare, the State authorities are called upon to consider and in all legitimate ways endeavor to improve the physical, mental and moral condition of the citizens of the State, especially those whose daily toil contributes so largely to the prosperity of manufacturing and other productive industries; therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

276. Duties of bureau

SEC. 2. That the duties of said bureau shall be to collect, assort, systematize and present in annual reports to the legislature, on or before the last day of October in each year, statistical details relating to all departments of labor in the State, especially in its relations

to the commercial, industrial, social, educational and sanitary condition of the laboring classes, and in all suitable and lawful ways foster and enlarge our manufacturing and every other class of productive industry, with the view to their permanent establishment upon a properous basis, both to the employer and the employed.

277. Additional duties

SEC. 1. The bureau of statistics provided for in the act to which this is a supplement shall, in addition to the duties prescribed in said act, collect and publish in the annual report of said bureau statistics showing the number of private firms and corporations engaged in the several industries in this State; the capital invested; amount of raw material used and its cost value; amount of goods manufactured and the selling price of said goods: the number of persons employed, by months, and distinguished as to sex; total wages paid; classification of wages, and such other information as may be necessary to show the true condition of each of the said manufacturing industries.

(As supplemental by P. L. 1898, ch. 112, sec. 1.)

278. Names of informants not to be divulged

SEC. 2. The information secured shall be presented in the annual report by figures only; the names of persons, firms or corporation shall in no case be printed and the business of manufacturers, individually, shall not be divulged.

(As supplemental by P. L. 1898, ch. 112, sec. 2.)

279. Returns by owners, etc., of mills, etc.; penalty for neglect to make

SEC. 1. It shall be the duty of every owner, operator, lessee, manager or superintendent of every factory, mill, workshop, mine or other establishment or industry in which labor is employed within this state, to make such reports or returns on blanks furnished by the bureau of statistics of labor and industry as the said bureau may require for carrying out the purposes and compiling such statistics as are authorized in the said act and its supplements; and the said owner, operator, lessee, manager or superintendent shall make such report or return within the time prescribed therefor, and shall certify to the correctness of the same.

(As supplemental by P. L. 1899, ch. 124.)

280. Penalty for willful neglect to make returns

SEC. 2. Any owner, operator, lessee, manager or superintendent of an establishment or industry in which labor is employed within this state, who willfully neglects to fill such blanks within the time allowed for doing so, or who refuses to fill such blank, shall forfeit for every such delay, refusal, the sum of fifty dollars, to be recovered in a court of competent jurisdiction, by an action in which the state shall be represented by the chief of the bureau of statistics of labor and industry as plaintiff.

(As supplemented by P. L. 1899, ch. 124.)

XXVIII. REPORTING OF INDUSTRIAL ACCIDENTS

AN ACT requiring reports of industrial accidents to be made to the Commissioner of Labor.

(P. L. 1912, ch. 156, approved March 26, 1912.)

Sec. 281. All accidents in factories, etc., reported to Commissioner of Labor; time for filing reports.

282. Casualty companies to make report; time for filing.

283. Reports not public; supersede others.

284. Penalty.

281. All accidents in factories, etc., reported to Commissioner of Labor; time for filing reports

SEC. 1. Upon the happening of any accident in any employment of labor in this state the result of which shall be to prevent the injured person or persons from resuming work within two weeks after the happening thereof, the employer of such injured person or persons shall report, in writing, to the Commissioner of Labor the time, place and cause of said accident, as nearly as the same may be fairly ascertained, the extent of injuries received, and such other facts as the Commissioner of Labor may, by rule or regulation, require. In case of injury not producing death, such report shall be filed within four weeks after the happening of such injury. In case of injury producing death, report shall be filed within two weeks thereafter. Such reports may be forwarded by mail, postage prepaid.

282. Casualty companies to make report; time for filing

SEC. 2. All companies engaged in casualty insurance business within the State of New Jersey shall furnish to the Commissioner of Labor a full and complete report of all accidents to the employees of any person, firm or corporation insured by them, which prevents such injured person or persons from resuming work within two weeks after the happening of such injury, or which result in death. In case of injury not producing death, such report shall be filed within four weeks after such injuries have been reported to such insurance company, or such insurance company has otherwise gained knowledge thereof. In case of injury producing death, such report shall be filed within two weeks after such death has been reported to such insurance company, or such insurance company has otherwise gained knowledge thereof. Such reports shall state the time, place and cause of injury, as nearly as the same may be ascertained, and the extent thereof, and such other and further information as the Commissioner of Labor may, by rule or regulation, require. Such notice may be sent by mail, postage prepaid.

283. Reports not public; supersede others

SEC. 3. The reports filed with the Commissioner of Labor, in accordance with the provisions of this act, shall not be made public, and shall not be open to inspection unless, in the opinion of the Commissioner of Labor, some public interest shall so require, and such reports shall not be used as evidence against any employer in any suit or action at law brought by an employe for the recovery of damages, but such reports shall always be at the service and use of the Employers' Liability Commission. Reports filed in accordance with this act shall be in lieu of all other reports required to be filed pursuant to the provisions of an act entitled "An act creating the Employers' Liability Commission and prescribing its powers and duties, and requiring reports to be made by the employers of labor upon the operations of the Employers' Liability Law for the information of said commission," approved April twenty-seventh, one thousand nine hundred and eleven, and shall be considered to be compliance with the terms of the last mentioned act.

284. Penalty

SEC. 4. Any corporation, firm or person violating any of the provisions of this act shall for each offense be liable to a penalty of fifty dollars, to be recovered in an action of debt, brought by the Commissioner of Labor, in the name of the State of New Jersey. Each failure to report shall be regarded as a separate offense.

285. For the purpose of better ascertaining the risk hazards of industry, the Bureau of Industrial Statistics requests the *immediate reporting* of all tabulatable accidents, viz., accidents arising out of the employment and resulting in death, permanent disability or in the loss of time in excess of the day, turn or shift on which the injury was incurred

XXIX. CO-OPERATIVE SOCIETIES

AN ACT to provide for the formation and regulation of co-operative societies of workingmen.

(P. L. 1884, ch. 38, approved March 10, 1884; amended by P. L. 1908, ch. 255.)

- Sec. 286. Purposes of association.
- 287. Certificate of association; contents.
- 288. Certificate of association; execution; approval, recording and filing.
- 289. Board of directors: number; election; president; treasurer; secretary and other officers.
- 290. First meeting; calling; notice; quorum; election of directors and officers; adoption of by-laws, etc.
- 291. By-laws; contents.
- 292. Name of association to be kept on outside of place of business.
- 293. Association to have registered office; change.
- 294. Capital stock: shares; issue.
- 295. Members not to have more than one vote.
- 296. Society may have interest in other society.
- 297. Annual statement; making, contents and filing; penalty for refusal to make.
- 298. Inspection of books.
- 299. Distribution of profits; contingent or sinking fund.
- 300. Nomination by members of persons to whom shares shall be transferable at death.
- 301. Dissolution.
- 302. Payment of whole of capital stock to satisfy debts.
- 303. Repeals: saving clause.

286. Purposes of association

SEC. 1. It shall be lawful for any number of persons, not less than seven, residents of this State, to associate themselves into a society for the purpose of carrying on any lawful mechanical, mining, manufacturing or trading business, or for the purpose of trading and dealing in goods, wares and merchandise or chattels, or for the purpose of buying, selling, mortgaging, settling, owning, leasing and improving real estate and erecting buildings thereon, within this State, upon making and filing a certificate of association, in writing, in manner hereinafter mentioned, and as such shall be deemed to be a corporation, and to possess all the powers incident thereto.

(As amended by P. L. 1908, ch. 255, Sec. 1.)

287. Certificate of association; contents

SEC. 2. That such certificate of association shall set forth:

I. The name assumed to designate such society and to be used in its business and dealings, which name shall have the word "co-operative" as a distinguishing part thereof, but shall in no other respect be similar to that of any other society organized under this act.

II. The place or places in this State where the business of such society is to be conducted and the location of the principal office of the society.

III. The objects for which the society shall be formed.

IV. The total amount of the capital stock of such society, the number of shares into which the same is divided, the par value of each share, the manner in which the installments on the shares shall be paid, the number of shares subscribed, and the amount actually paid in cash on account of the same.

V. The terms of admission of the members.

VI. Mode of application of profits.

VII. The mode of altering or amending the certificates of association and the by-laws of the society.

288. Certificate of association; execution; approval, recording and filing

SEC. 3. That the said certificate of association shall be signed by the persons originally association themselves together, and shall be proved and acknowledged by at least seven of them, before an officer qualified to take acknowledgments of deeds of real estate, and

after being approved by the chief of the bureau of statistics, shall be recorded in the office of the clerk of the county where the principal office or place of business of such society shall be established, and a copy of such certificate shall be filed in the office of the chief of the bureau of statistics.

289. Board of directors; number; election; president; treasurer; secretary and other officers

SEC. 4. That the business of each such society shall be managed and conducted by a board of not less than five directors, who shall respectively be members of said society, and shall be annually elected at such time and place as shall be provided in the by-laws of the society; and one of such directors shall be chosen president and one of them shall be chosen treasurer, and such directors and officers shall hold their respective offices until their successors are duly qualified; and that such society shall also have a secretary, and such other officers, agents and factors as may be necessary to carry on its business, and shall choose them in the manner prescribed in the by-laws thereof.

290. First meeting; calling; notices; quorum; election of directors and officers; adoption of by-laws, etc.

SEC. 5. That the first meeting of such society shall be called by a notice signed by a majority of the persons named in the certificate of the association, and designating the time, place and purpose of the meeting, and shall be personally served on all the persons signing said certificate, or by advertisement in a newspaper published in the county where such society shall have been incorporated, if such personal service cannot be made; and at such meeting so called, or at any adjourned meeting thereof, a majority of the persons signing shall constitute a quorum for the transaction of business, and shall have power to elect the directors and other officers provided for in the fourth section of this act, who shall serve until their successors duly qualify, and to adopt by-laws, rules and regulations for the government of such society.

291. By-laws: contents

SEC. 6. That the by-laws of such society shall provide:

I. For an annual meeting of the members thereof, and such other regular and special meetings as may be deemed desirable, the number of members necessary to constitute a quorum for the transaction of business and the right of voting for the same.

II. For the election of directors and other officers, agents and factors, and their respective powers and duties.

III. For the limitation of the amount of such real and personal estate as the purposes of the society shall require.

IV. Whether the shares, or any number of them, shall be transferable, and in case it be determined that the same shall be transferable, provisions for their transfer and registration, and the consent of the board of directors to the same; and in case it be determined that the shares shall not be transferred, provisions for paying the members the balance due to them on withdrawal, or paying nominees in cases herein-after mentioned.

V. How members may withdraw from the society.

VI. Whether and by what authority any part of the capital may be invested in or on security of another society through which its products are disposed of or its supplies secured.

VII. Whether and to what extent credit in its business transactions may be given or taken.

VIII. In what sum and with what sureties the treasurer and other fiduciary officers or agents shall give bonds for the faithful performance of their respective duties.

IX. For the audit of accounts.

X. For the distribution of net profits.

XI. For the custody, use and device of the seal, which shall bear the corporate name of the society.

292. Name of association to be kept on outside of place of business

SEC. 7. That every society incorporated under this act shall paint or affix and keep painted or affixed, its name on the outside of every office or place in which the business of the association is carried on, in a conspicuous position and in letters easily legible.

293. Association to have registered office; change

SEC. 8. That every society incorporated under this act shall have a registered office to which all communications and notices may be addressed, and notices in writing of the location of such office, and of any change therein, shall be filed with the chief of the bureau of statistics and in the office of the clerk of the county where the office of such society is located.

294. Capital stock; shares; issue

SEC. 9. That the capital stock of such society shall be divided into shares the par value of which shall not be more than fifty (50) dollars, and no share shall be issued for less than its par value; and that no certificate of shares shall be issued to any member until the shares are fully paid up.

295. Members not to have more than one vote

SEC. 10. That no member of such society shall be entitled to more than one vote upon any subject, which vote must be cast in person; and that the board of directors shall have power, unless otherwise provided in the by-laws of the society, to fix and regulate the number of shares to be held by any one member.

296. Society may have interest in other society

SEC. 11. That any society under this act may hold in its corporate name any amount of interest in any other society through which its products are disposed of or its supplies secured; *provided*, that such interest so held shall not exceed one-third in value of the paid-up capital of the society holding said interest.

297. Annual statement; making, contents and filing; penalty for refusal to make

SEC. 12. That the board of directors of every society incorporated under this act shall annually make a statement in writing of the condition of such society, setting forth the amount of capital stock, the number of shares issued and the par value thereof, the number of stockholders and the number of shares held by each, the amount and character of the property of the society and of its debts and liabilities; and that said statement shall be signed and sworn to by a majority of the directors, including the treasurer, and filed in the office of the clerk of the county where the principal office of such society is located, and that immediately thereafter a copy of such statement shall be forwarded to the chief of the bureau of statistics, who, if he have reason to doubt the correctness of such statement, or upon written request of five members of such society, shall cause an examination of the books and affairs of such society to be made and render a correct statement to the members thereof; and every

member or creditor thereof shall be entitled to receive from the secretary a copy of such annual statement; and every director or other officer refusing to comply with the requirements of this section, or making and signing a false annual statement of the society, shall forfeit for each offence the sum of one hundred dollars, to be recovered in an action of debt in any court of competent jurisdiction in this state by any member or creditor of the society who shall sue for the same.

298. Inspection of books

SEC. 13. That any member or other person having an interest in the funds of any such society may inspect the books thereof, at all reasonable hours, at the office thereof.

299. Distribution of profits; contingent or sinking fund

SEC. 14. That there shall be such distribution of the profits of such society, among the workmen, purchasers and members, as shall be prescribed in the certificate of association, at such times as thereon prescribed, as often at least as once in twelve months; *provided*, that no such distribution shall be made until a sum equal to five percentum of the net profits shall have been appropriated for a contingent or sinking fund, and that such appropriation shall continue to be made until there shall be accumulated a sum equal to thirty percentum of the capital stock of such society.

300. Nomination by members of persons to whom shares shall be transferable at death

SEC. 15. That any member of such society, by a writing under his hand, delivered at the office of the society, may nominate any person, being the husband, wife, father, mother, child, brother, sister, nephew or niece or other relative of such member, to whom his or her share or shares of the capital stock of the society shall be transferred at his or her decease, and from time to time may revoke or vary such nomination, by a writing similarly delivered; and such society shall keep a book, wherein the names of all persons so nominated, and the number of shares to be transferred shall be entered; *provided, nevertheless* that in lieu of making such transfer, the society may provide for making payment to all such nominees of the full value of the shares to be transferred; *provided, also*, that if by the

by-laws of the society the shares are transferable, this section shall not be construed to forbid the transfer of such shares by sale or will or otherwise subject to the consent of the board of directors.

301. Dissolution

SEC. 16. That any such society may be dissolved in the manner in which any other corporation may be dissolved under existing laws.

302. Payment of whole of capital stock to satisfy debts

SEC. 17. That when the whole capital of such society shall not have been paid in, and the assets of such society shall be insufficient for the payment of its debts, liabilities, and obligations, each stockholder shall be bound to pay on each share held by him the sum necessary to complete the amount of such share, as fixed by the certificate of association, or such proportion as shall be required to satisfy such debts, liabilities and obligations; *provided, however*, that no such contribution shall be required from any person after the expiration of one year from the time he has ceased to be a member, or for any debt, liability or obligation contracted after he ceased to be a member of such society.

303. Repeals; saving clause

SEC. 18. That an act entitled "An act to encourage the organization and regulate co-operative associations of workingmen" approved March twenty-second, one thousand eight hundred and eighty-one, be and the same is hereby repealed, but no association established under this act, or any person having claims or demands against such association, shall be affected by the repeal thereof, but in respect to such association the said act shall still be in full force and effect; *provided, however*, that any such association may come under and be subject to the provisions and liabilities of this act, in the same manner as if formed under the same, if such association make and file the certificate of association required by this act.

XXX. LABOR UNIONS

(A) Combinations to persuade others as to their employment not unlawful.

(B) Making renouncement of membership in society or brotherhood condition of employment prohibited.

(A) Combinations To Persuade Others As To Their Employment Not Unlawful

AN ACT relative to persons combining and encouraging other persons to combine.

(P. L. 1883, ch. 28, approved February 14, 1883.)

304. Combinations to persuade others as to their employment not unlawful

SEC. 1. That it shall not be unlawful for any two or more persons to unite, combine or bind themselves by oath, covenant, agreement, alliance or otherwise, to persuade, advise or encourage, by peaceable means, any person or persons to enter into any combination for or against leaving or entering into the employment of any person, persons or corporation.

(B) Making Renouncement Of Membership In Society Or Brotherhood Condition Of Employment Prohibited

AN ACT in relation to the employment of labor by corporations.

(P. L. 1894, ch. 222, approved May 15, 1894.)

Sec. 305. Making renouncement of membership in society or brotherhood condition of employment prohibited.

306. Requiring employes to renounce membership in or refrain from joining society or brotherhood prohibited.

307. Punishment for violations of act.

305. Making renouncement of membership in society or brotherhood condition of employment prohibited

SEC. 1. That no corporation or employer of labor doing business in this state shall, directly or indirectly or through any manager agent, superintendent, or employe thereof, make, as a condition of

employment of labor in any branch of its service, that any applicant or applicants for such employment shall, either individually or collectively, be required to sign any paper, document, or writing of any description, by which an obligation is made or implied of renouncing existing membership in any organization, society or brotherhood, or by which a promise is given of not joining such organizations at any future time.

306. Requiring employes to renounce membership in or refrain from joining society or brotherhood prohibited

SEC. 2. That no corporation or employers of labor shall in like manner require directly or indirectly or through any of its managers, superintendents, agents, or employes, that any individual or individuals shall either individually or collectively, in any manner promise to renounce existing membership in any lodge, brotherhood, or labor organization of any kind, or promise to refrain from joining any such lodge, brotherhood, or organization at any future time.

307. Punishment for violation of act

SEC. 3. That any violation of the above act shall be punishable with a fine not to exceed five hundred dollars or three months' imprisonment, or both, as the court may direct.

Bureau of Employment

- XXXI. Free Labor Bureaus.
- XXXII. Private Employment Agencies.
- XXXIII. Migrant Welfare and Employment Bureau.

XXXI. FREE LABOR BUREAUS

AN ACT to authorize the Department of Labor to establish free labor bureaus and providing for their maintenance.

(P. L. 1915, ch. 47, approved March 10, 1915).

Sec. 308. Labor bureaus authorized: purposes.

- 309. Advisors.
- 310. Secure data.
- 311. Co-operation.
- 312. No fees permitted.
- 313. Record of strikes, etc.
- 314. Disseminate information.
- 315. Use of offices, employes, funds, etc.

308. Labor bureaus authorized; purposes

SEC. 1. The Department of Labor is hereby authorized to establish such labor bureaus in the offices of the Department of Labor, or elsewhere in the State, as the Commissioner of Labor may deem advisable, for the following purposes: to bring together employers seeking employees and working people seeking employment; to supply information as to opportunities for securing employment in this State, and the character of the work to be performed; to supply such information as may enable persons to secure industrial and agricultural training and employment; to investigate the extent and causes of unemployment in the State of New Jersey, and as far as possible to suggest remedies therefor; to adopt the most efficient means within its power to avoid unemployment; to provide employment and to prevent distress from involuntary idleness; and to keep a record of all labor disturbances or strikes brought to its attention.

309. Advisors

SEC. 2. The Commissioner of Labor is authorized to appoint advisory committees or agents, who shall serve without pay, to aid in carrying on this work in the various parts of the State.

310. Secure data

SEC. 3. The Commissioner of Labor shall secure all data as to unemployment and also in regard to those who desire to secure employees, and shall take the most efficient method in disseminating such information throughout the State as may enable those unemployed to secure the positions.

311. Co-operation

SEC. 4. The Commissioner of Labor is authorized to co-operate with any other public employment bureaus, whether operated by voluntary, charitable or eleemosynary organizations or by municipalities in this or other States or by States or by the United States government.

312. No fees permitted

SEC. 5. No fees or other compensation shall be charged or received, directly or indirectly, for any service performed pursuant to the provisions of this act, from any person applying for employment or from any person desiring an employee.

313. Record of strikes, etc.

SEC. 6. The agents in charge of the labor bureaus organized pursuant to this act or co-operating with the Department of Labor in carrying out the provisions of this act shall keep a record of all labor disturbances or strikes that occur in the territory covered by each office. All such agents shall give notice of the existence of any labor disturbance or strike to all applicants for a position who may be affected thereby.

314. Disseminate information

SEC. 7. The Commissioner of Labor may, in his discretion, issue such bulletins, notices, circulars or other printed matter as may be necessary for carrying out the objects of this act.

315. Use of offices, employes, funds, etc.

SEC. 8. The Commissioner of Labor may, for the purposes of carrying out this act, use such offices, employes or funds at his command, or fees received by him, as may be available for that purpose.

XXXII. PRIVATE EMPLOYMENT AGENCIES

AN ACT to regulate the keeping of employment agencies.

(P. L. 1918, ch. 227, approved March 4, 1918.)

- Sec. 316. Definitions: (a) "person;" (b) "fee;" (c) "privilege;" (d) "employment agency."
317. Application: not to apply to certain employment agencies.
318. License: (a) agencies licensed; penalty; (b) application to be made; (c) proof required: investigation of applicant; (d) what license shall contain; transfer; where kept; expiration; (e) schedule of license fees; surety given; (f) conditions of bond; if bond is broken; suit may be instituted; (g) if securities irresponsible; new bond.
319. Register: (a) register of applicants; of help accepted; open to inspection; (b) communicate with references; proviso.
320. Fees: (a) schedule of fees charged filed; no gratuities or division of fees; (b) repayment of fees; if employe does remain; proviso; if employe discharged; applicant must have bona fide order.
321. Receipts: receipt for fee; information supplied applicant.
322. Not induce servant to leave employment; contract laborers.
323. Character of employer; fraud: (a) not send females to immoral places; (b) children not accepted; (c) no force used; (d) as to saloons; (e) false advertising.
324. Portions of this act posted in agency.
325. Enforcement: duties of inspectors; revocation of license; renewal of license.
326. Penalty; bringing proceedings; summons; proceedings as action of debt; execution; discharge; assistants to carry out act.
327. Appointment of inspectors, clerks, etc.; salaries and expenses.

316. Definitions: (a) "person;" (b) "fee;" (c) "privilege;" (d) "employment agency"

SEC. 1. Definitions. (a) The term "person" when used in this act shall mean and include any individual company, association or corporation, or their agents.

(b) The term "fee" when used in this act shall mean and include any payment of money, or the promise to pay money, or the excess of money received by any person furnishing employment or employees over what he has paid for transportation, transfer or baggage or lodging for any applicant for employment: it shall also mean and include the difference between the amount of money received by any person who furnishes employees and performers for any entertainment, exhibition or performance, and the amount paid by him to said employees or performers.

(c) The term "privilege" as used in this act shall mean and include the furnishing of food, supplies, tools or shelter to contract laborers, commonly known as commissary privileges.

(d) The term "employment agency" when used in this act shall mean and include the business of procuring or offering to procure help or employment, or the giving of information as to where help or employment may be procured, whether such business is conducted in a building or on the street or elsewhere; or the business of keeping an intelligence office, employment bureau, or shipping agency, nurses' registry, or agency for procuring engagements for vaudeville or theatrical performers, or other agency or office for procuring work or employment for persons, where a fee or privilege is exacted, charged or received directly or indirectly for procuring or assisting or promising to procure employment, work, engagement or a situation of any kind, or for procuring or providing help or promising to provide help for any person, whether such is collected from the applicant for employment or the applicant for help.

317. Application: not to apply to certain employment agencies

SEC. 2. Application. The provisions of this act shall not apply to employment agencies which procure employment for persons as teachers or in technical or executive positions exclusively in recognized institutions, or to registries conducted by duly incorporated associations or registered nurses, or employment bureaus of registered medical institutions or incorporated hospitals, nor shall it apply to departments maintained by persons, firms, corporations or associations for the purpose of securing help for themselves where no fee is charged the applicant for employment, or to departments maintained by either Federal, State, municipal or charitable agencies where no fee is charged.

318. License: (a) agencies licensed; penalty; (b) application to be made; (c) proof required; investigation of applicant; (d) what license shall contain; transfer; where kept; expiration; (e) schedule of license fees; surety given; (f) conditions of bond; if bond is broken; suit may be instituted; (g) if securities irresponsible; new bond

SEC. 3. License. (a) No person shall open, keep or carry on any employment agency as defined above unless such person shall procure a license therefor from the Commissioner of Labor. Such license shall be posted in a conspicuous place in said agency. Any person who shall open or conduct such an employment agency without first procuring said license, or who shall conduct such an agency after revocation of such license, shall be liable to a penalty of not less than fifty dollars and not more than two hundred and fifty dollars.

(b) An application for such license shall be made in writing to the Commissioner of Labor, and shall state the name and number of the building and place where the employment agency is to be conducted. The application for such license shall be filed not less than one week prior to the granting of said license, and the Commissioner of Labor shall act upon such application within thirty days from the time of such application.

(c) Every such applicant shall be required to furnish satisfactory proof of good moral character in the form of affidavits by at least two reputable citizens of the State, and any person may protest against the issuance or the transfer of any license. The Commissioner of Labor, or his representative, shall investigate, or cause to be investigated, the character and responsibility of the applicant, and shall examine, or cause to be examined, the premises designated in such application as the place in which it is proposed to conduct such agency.

(d) Such license shall contain the name of the person licensed, a designation of the city, street and number of the house in which the person licensed is authorized to carry on the said employment agency, and the number and date of such license. Such license shall not be valid to protect any other than the person to whom it is issued and shall not authorize the carrying on of any such agency at any place other than that designated in the license, and it shall not be transferred or assigned to any other person unless consent is obtained from the Commissioner of Labor and no such agency shall be conducted in rooms used for living purposes, or where boarders or lodgers are

kept, or where meals are served, or where persons sleep, or in connection with a building or on the premises where intoxicating liquors are sold to be consumed on the premises, except in office buildings containing cafes and restaurants. If said licensed person shall conduct a lodging house for the unemployed, separate and apart from such agency, it shall be so designated in the license. Unless sooner revoked by the Commissioner of Labor, such license shall run to the first day of January next ensuing the date thereof and no longer.

(e) Every person licensed under the provisions of the act to carry on the business of an employment agency shall pay the Commissioner of Labor a license fee according to the population of the municipality as shown by the last preceding Federal census, viz.:

In cities of 150,000 and upwards, \$100.00;

In cities of 100,000 and upwards, \$75.00;

In cities of 50,000 and upwards, \$50.00;

In cities of less than 50,000, \$25.00.

Before such license is issued he shall also deposit with the Commissioner of Labor a bond in the penal sum of one thousand dollars, with two or more sureties, or a duly authorized surety company, as surety, to be approved by the Commissioner of Labor.

(f) The Bond executed as provided in the preceding subdivisions of this section shall be payable to the people of this State and shall be conditioned that the person applying for the license will comply with this act and shall pay all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud or deceit, or any unlawful act or omission of any licensed person, his agents or employers, while acting within the scope of their employment, made, committed or omitted in the business conducted under such license, or caused by any violation of this act in carrying on the business for which such license is granted. In case of a breach of the condition of any such bond, application may be made to the Commissioner of Labor by the person injured by such breach for leave to sue upon such bond, which leave shall be granted by the Commissioner of Labor if it be proven to his satisfaction that the condition of such bond has been breached and the party applying has been injured thereby. The person obtaining such leave to sue may take the bond from the files of the said commissioner and institute suit thereon in his own name for the recovery of damage sustained by such breach.

(g) If any time, in the opinion of the Commissioner of Labor, the

sureties on any such bond, or any of them, shall become irresponsible, the person holding such license shall, upon notice from the Commissioner of Labor, give a new bond, subject to the provisions of this section. The failure to give a new bond within ten days after such notice, in the discretion of the Commissioner of Labor, shall operate as revocation of such license, and the license shall be thereupon returned to the Commissioner of Labor, who shall destroy the same.

319. Register: (a) register of applicants; of help accepted; open to inspection; (b) communicate with references; proviso

SEC. 4. Register. (a) It shall be the duty of every such licensed person to keep a register, approved by the Commissioner of Labor, in which shall be entered, in the English language, the date of the application for employment, the name and address of the applicant to whom employment is promised or offered, the amount of the fee received, and, whenever possible, the name and address of former employers or persons to whom such applicant is known. Such licensed person shall also enter in a separate register, to be approved as aforesaid, in the English language, the name and address of every applicant accepted for help, the date of such application, kind of help requested, the names of the persons sent, with the designation of the one employed, the date of employment, the amount of the fee received and the rate of wages agreed upon. The aforesaid register of applicants for employment and for help shall be open during office hours to inspection by the officers of the Department of Labor. No such licensed person, his agent or employees, shall make any false entry in such registers.

(b) It shall be the duty of every licensed person, whenever possible, to communicate orally or in writing with at least one of the persons mentioned as reference by every applicant for work in private families or employed in a fiduciary capacity, and the result of such investigation shall be kept on file in such agency; *provided, however,* that if the applicant for help voluntarily waives, in writing, such investigation of references by the licensed person, failure on the part of the licensed person to make such investigation shall not be deemed a violation of this act.

320. Fees: (a) schedule fees charged filed; no gratuities or division of fees; (b) repayment of fees; if employe does remain; proviso; if employe discharged; applicant must have bona fide order

SEC. 5. Fees. (a) Every employment agent shall file with the Commissioner of Labor, for his approval, a schedule of fees proposed to be charged for any services rendered to employers seeking employees, and persons seeking employment, and all charges must conform thereto. The schedule of fees may be changed only with the approval of the Commissioner of Labor. No registration or other fees in lieu thereof shall be charged or received by such employment agent. No such licensed person shall receive or accept any valuable thing or gift as a fee or in lieu thereof. No such licensed person shall divide, directly or indirectly, fees with any person securing help, or his agents, or other employees, or any one in their employ to whom applicants for employment are sent, nor shall any licensed person offer to so divide any fees.

(b) In case the applicant shall not accept or obtain help or employment through such agency, then such licensed person shall on demand repay the full amount of the said fee, allowing three days' time to determine the fact of the applicant's failure to obtain help or employment. If an employee furnished an applicant for help fails to remain one week in the situation, or if such employee is discharged for cause, a new employee shall be furnished if said applicant for help so elects, or three-fifths of the fee returned within four days of demand; *provided, however*, that said applicant for help notifies said licensed person within thirty days of the failure of the applicant for employment to accept the position, or of the applicant's discharge for cause.

If the employee is discharged within one week without said employee's fault, another position shall be furnished, or three-fifths of the fee returned to the applicant for employment if he so elects. Failure of said applicant for help to notify said licensed person that such help has been obtained through means other than said agency shall entitle said licensed person to retain or collect three-fifths of the said fee.

No such licensed person shall send out any applicant for employment without having obtained, either orally or in writing, a bona fide order therefor, and if it shall appear that no employment of the kind applied for existed at the place to which said applicant was directed,

the said licensed person shall refund to such applicant, within three days of demand, any sums paid by said applicant for transportation in going to and returning from said place, and all fees paid by said applicant.

321. Receipts: receipt for fee; information supplied applicant

SEC. 6. Receipts. It shall be the duty of such licensed person to give to every applicant for employment from whom a fee shall be received a receipt, in which shall be stated the name of said applicant, the date and the amount of the fee, and the purpose for which it was paid, and to every applicant for help a receipt stating the name and address of said applicant, the date and amount of the fee, and the kind of help to be provided. Every such receipt shall have printed on the back thereof a copy of sections five and six of this act in the English language, or in any language which the person to whom the receipt is issued can understand.

Every such licensed person shall also give to each applicant for employment a card or printed paper containing the name of the applicant, name and address of such employment agency, and the written name and address of the person to whom applicant is sent for employment.

322. Not induce servant to leave employment; contract laborers

SEC. 7. Employment Contract. No such person shall induce or attempt to induce any domestic employee to leave his employment with a view of obtaining other employment through such agency. Whenever such licensed person, or any other acting for him, agrees to send one or more persons to work as contract laborers in any one place outside the city in which such agency is located, said licensed person shall file with the Commissioner of Labor, within five days after the contract is made, a statement containing the following items: Name and address of the employee; nature of the work to be performed, hours of labor, wages offered, destination of the persons employed and terms of transportation. A duplicate copy of this statement shall be given to the applicant for employment in a language which he is able to understand.

323. Character of employer; fraud: (a) not sent females to immoral places; (b) children not accepted; (c) no force used; (d) as to saloons; (e) false advertising

SEC. 8. Character of Employer: Fraud. (a) No such licensed person shall send or cause to be sent any female to become a servant or inmate or to enter any place of bad repute, house of ill fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or to a place resorted to for the purpose of prostitution, or to a gambling house. No such person shall knowingly permit any person of bad character, prostitutes, gamblers, intoxicated persons or procurers to frequent such agency.

(b) No such licensed person shall accept any application for employment made by or on behalf of any child under the age of sixteen years, or shall place, or assist in placing any such child in any employment whatever.

(c) No licensed person, his agents, servants or employees, shall induce or compel any person to enter such agency, for any purpose, by the use of force or by taking forcible possession of said person's property.

(d) No such person shall procure or offer to procure help or employment in rooms or on premises where intoxicating liquors are sold to be consumed on the premises, except as heretofore provided in subdivision (d), section three, whether or not dues or a fee or privilege is exacted, charged or received directly or indirectly.

(e) No such licensed person shall publish or cause to be published any false or fraudulent or misleading notice or advertisement; all advertisements of such employment agency by means of cards, circulars or signs, or in newspapers and other publications, and all letter-heads, receipts and blanks shall contain the name and address of such employment agency, and no such licensed person shall give any false information, or make any false promise or false representation concerning employment to any applicant who shall register for employment or help. Any person who shall violate any provisions of this section shall be liable to a penalty of not less than fifty dollars and not more than two hundred and fifty dollars.

324. Portions of this act posted in agency

SEC. 9. Every such licensed person shall post in a conspicuous place in each room of such agency sections five, six, seven and eight of this act, which shall be printed in large type in language which

persons commonly doing business with such office can understand. Such printed law shall also contain the name and address of the Commissioner of Labor.

325. Enforcement: duties of inspectors; revocation of license; renewal of license

SEC. 10. Enforcement. The enforcement of this act shall be entrusted to the Commissioner of Labor, who shall cause to be made at least bimonthly visits to every such agency. Said inspectors shall have a suitable badge, which they shall exhibit on demand of any person with whom they may have official business, and said inspectors shall see that all the provisions of this act are complied with. The said Commissioner of Labor may refuse to issue and may revoke any license for any good cause shown within the meaning and purpose of this act, and when it is shown to his satisfaction that any licensed person is guilty of any immoral or illegal conduct in connection with the conduct of said business, it shall be his duty to revoke the license of such person; but notice of the charge shall be presented and reasonable opportunity shall be given said licensed person to defend himself. Whenever for any cause such license is revoked, a license shall not be issued to said licensed person or his representative, or to any person with whom he is to be associated in the business of furnishing employment; nor shall a license be granted to anyone for conducting an employment agency at said place of business within the space of twelve months following date of revocation of said license.

326. Penalty; bringing proceedings; summons; proceedings as action of debt; execution; discharge; assistants to carry out act

SEC. 11. The violation of any provision of this act, except as provided in sections two and eight, shall be punishable by a penalty of not less than twenty-five dollars and not more than fifty dollars.

All proceedings brought under the provisions of this act shall be by action of debt, in the name of the Commissioner of Labor, to be instituted in any District Court of a city or judicial district, recorders' courts of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons, which process shall be served on the owner or owners, person or persons, or any of them, owning the place or operating the business wherein the alleged violation of law has taken place; if such owner or owners, person or persons, reside in the county where the offense was committed, or if

the owner or owners, person or persons, as aforesaid, do not reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman or person in charge of the business or place; service upon a corporation shall be made upon the president, vice-president, secretary or any director, and if none of them reside in the county where the offense was committed, then service may be made upon the superintendent, foreman or person in charge of the business or place; in case the owner or owners of a building reside within the limits of the county, then service of the process may be made upon the agent in charge of said building, and if there be no such agent, then service of the process may be made by affixing a copy thereof to the main door of such building at least ten days before the return day thereof; all proceedings thereafter shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly: in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order for the body execution or one of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all money collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

The Commissioner of Labor shall have the power to appoint such inspectors, department clerks, or other assistants, for carrying on the work required by this act as may in his judgment be necessary, and shall fix the salaries to be paid. Such inspectors, department clerks, or other assistants may be used for such other work of the Department of Labor as the Commissioner of Labor shall deem fit, and shall be entitled to necessary traveling expenses.

327. Appointment of inspectors, clerks, etc.; salaries and expenses

SEC. 12. All inspectors, department clerks, or other assistants appointed under this act shall be appointed by the Commissioner of Labor, and all inspectors, department clerks, or other assistants shall be appointed, hold their offices and perform their duties subject to the

provisions of an act entitled "An act regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities thereof, and providing a Civil Service Commission, and defining its powers and duties," approved April tenth, one thousand nine hundred and eight, and amendments thereof and supplements thereto. All salaries and expenses necessary to carry out the provisions of this act shall be paid in semi-monthly installments from the funds of the State, out of the moneys appropriated for that purpose by the Treasurer, upon warrant of the Comptroller, upon presentation of proper vouchers for the same, approved by the Commissioner of Labor.

XXXIII. MIGRANT WELFARE AND EMPLOYMENT BUREAU

AN ACT to create within the Department of Labor a Migrant Welfare and Employment Bureau, fixing the compensation of the chief and defining the duties of said bureau.

(P. L. 1918, ch. 235, approved March 4, 1918.)

Sec. 328. Bureau of migrant welfare and employment created; assistants.

329. Provisions for expenses.

330. Duties of bureau.

331. Removal of employees.

328. Bureau of migrant welfare and employment created; assistants

SEC. 1. There is hereby created within the Department of Labor a Migrant Welfare and Employment Bureau, consisting of a bureau chief, who shall be appointed by the Commissioner of Labor, for a term of three years, and who shall receive a salary of twenty-five hundred dollars per annum. The Commissioner of Labor may appoint such clerks, stenographers and other assistants for said bureau as may be deemed necessary, which appointments shall be made in accordance with the provisions of an act entitled "An act regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities thereof, and providing for a Civil Service Commission, and defining its powers and duties," approved April tenth, nineteen hundred and eight, and the acts amendatory thereof and supplemental thereto.

329. Provisions for expenses

SEC. 2. The necessary expenses incurred by the chief or any of the assistants of this bureau shall be paid from the funds of the State, out of moneys appropriated for that purpose, upon presentation of proper vouchers approved by the Commissioner of Labor.

330. Duties of bureau

SEC. 3. Said bureau shall investigate the conditions under which migrants are living and working in this State, shall instruct them in the rules of sanitation and sanitary living, shall endeavor to procure proper housing facilities and assist in securing suitable employment for migrants. The chief of said bureau shall perform his duties under the direction and supervision of the Commissioner of Labor.

331. Removal of employes

SEC. 4. Any member or employee of said bureau may be removed by the Commissioner of Labor for sufficient cause in the same manner as any other employee of the Department of Labor.

Bureau of Engineers' License, Steam Boiler and Refrigerating Plant Inspection

Codes.—Standard Boiler Code; Rules and Regulations of Bureau.

XXXIV. Licensing of Engineers and Firemen.

XXXV. Boiler Inspection Bureau.

XXXVI. Board of Boiler Rules.

XXXIV. LICENSING OF ENGINEERS AND FIREMEN

AN ACT creating bureaus in the Department of Labor to regulate and provide for the inspection of certain stationary and portable steam boilers and steam engines, and the licensing of engineers and firemen thereof, and for the regulation and inspection of certain refrigerating plants using ammonia or ethyl chloride, and prescribing their powers and duties.—Title, as amended and supplemented by P. L. 1919, ch. 151.

(P. L. 1913, Chapter 363, approved April 14, 1913; amended and supplemented by P. L. 1917, ch. 251, approved March 29, 1917; P. L. 1919, ch. 151, approved April 14, 1919.)

Sec. 332. Steam engine and boiler operators' license bureau created; qualifications; appointed under civil service; present members to complete term; future appointments.

333. Oath; chairman; rules and regulations.

334. Section three repealed by P. L. 1917, ch. 251.

335. License necessary; emergencies; exceptions.

336. Application for license.

337. Fee for examination and license; revocation of license; hearing.

338. Those now in charge not affected.

339. Form of license.

340. Salary of members; increase of salary; promotions; further increase; expenses met; period of service; payment of salaries and expenses.

- 341. Section ten repealed by P. L. 1917, ch. 251.
- 342. License produced on demand.
- 343. Penalties.
- 344. Procedure: jurisdiction as to violation; proceedings in name of Commissioner of Labor; issue process; complaint; hearing; adjournments: holding defendant; service of process; execution: judgment docketed; costs.
- 345. Jurisdiction of justices of peace.
- 346. As to constitutionality.

332. Steam engine and boiler operators' license bureau created; qualifications; appointed under civil service; present members to complete term; future appointments

SEC. 1. Within sixty days after this act shall take effect the Commissioner of Labor of the State of New Jersey shall establish in the Department of Labor a bureau to be known as "the Steam Engine and Boiler Operators' License Bureau." to consist of three persons, citizens of the State of New Jersey, each of whom shall have been engaged for at least ten years as engineer in charge of a steam plant of not less than two hundred and fifty horsepower, or as the inspector for a steam engine and boiler insurance company licensed to do business within said State. The members of said bureau shall be in the competitive class of the classified civil service of the State, and shall be appointed by the Commissioner of Labor and hold their positions in the manner provided by an act entitled "An act regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities thereof, and providing for a Civil Service Commission, and defining its powers and duties," approved April tenth, one thousand nine hundred and eight, and the acts amendatory thereof and supplemental thereto.

Each member of such bureau in office at the time this act becomes effective shall continue to hold office until the date of the expiration of the term for which he was appointed, unless sooner removed for cause by the Commissioner of Labor. Upon the expiration of the term for which any such member was appointed his successor shall be appointed from an eligible list certified by the Civil Service Commission to the Commissioner of Labor, which eligible list shall contain the name of such member whose term had expired as aforesaid and the names of two persons who shall have qualified after an examination conducted by said commission. (As amended by P. L. 1917, ch. 251.)

333. Oath; chairman; rules and regulations

SEC. 2. Each person appointed a member of said bureau shall, before entering upon the discharge of his duties, and within thirty days after he has been appointed, take and subscribe to an oath before any officer authorized to administer oaths in this State, for the faithful performance of his duty, which shall be filed with the said Commissioner of Labor and transmitted by him to the Secretary of State. They shall from time to time, subject to the approval of the Commissioner of Labor, select one of their number for chairman. The Commissioner of Labor may adopt all necessary rules, regulations and by-laws for the government of said bureau not inconsistent with the laws of this State or of the United States, and shall prescribe rules for the examination and licensing of engineers and firemen in charge of stationary and portable steam boilers and steam engines within the State, and for the enforcement of the provisions of this act. Such regulations shall also specify the terms and conditions under which such license shall be issued or renewed; shall fix the fees charged for the issuance or renewal of such license and shall provide for the revoking for proper cause of any license issued. The members of said bureau shall perform such duties as shall be prescribed by the Commissioner of Labor and shall report from time to time to the commissioner in such form as he shall prescribe. All licenses recommended by them shall be issued under the hand and seal of the commissioner and a record thereof kept in his office. Such license shall also be signed by the member or members of said bureau who conducted the examination, upon which such license was issued. (As amended by P. L. 1917, ch. 251.)

334. Section three repealed by P. L. 1917, ch. 251**335. License necessary; emergencies; exceptions**

SEC. 4. Within sixty days after said bureau shall have been organized no person shall operate any steam boiler or steam engine without having the license herein provided for, and no owner, agent, superintendent, manager or other person or corporation having charge of any building in which any steam boiler or steam engine is located, or having charge of any work in which any steam boiler or steam engine is used, shall use or cause to be used any such steam boiler or steam engine unless the same is in charge of an engineer or fire-

man licensed in accordance with the provisions of this act, except in case of emergency, and then for no longer than fifteen days, unless the Commissioner of Labor in writing extends such time, of which emergency the owner of such steam boiler or steam engine, or the agent, superintendent, manager or other person or corporation in charge thereof, shall promptly notify such bureau in writing, stating briefly the circumstances in connection with such emergency; *provided, however*, that the provisions of this act, and the act of which it is amendatory and supplemental, shall not require a license of any person in charge of or operating a steam boiler or steam engine under the control of the Government of the United States, or any steam boiler in any railroad locomotive used in the service of a common carrier, or any steam boiler used in road vehicles, or in connection with fire departments of any municipality or public body of this State, or any steam boiler used exclusively for heating purposes which does not carry a pressure of more than fifteen pounds per square inch, or any engine or boiler of less than six horse-power. (As amended by P. L. 1917, ch. 251.)

336. Application for license

SEC. 5. Application for license shall be made on blanks to be provided for that purpose by the bureau and shall state clearly the name, residence, age, color and nationality of the applicant, whether or not he is a citizen of the United States, and his previous experience as engineer or fireman.

337. Fee for examination and license; revocation of license; hearing

SEC. 6. The fee for such examination and license shall be at the rate fixed by the said commissioner, not more than two dollars. Any license so issued may be revoked by the commissioner for ignorance, neglect or intoxication upon duty, after notice to the holder thereof and a hearing afforded him before the said bureau. In case such revocation be recommended by said bureau, it shall not be acted upon by said commissioner until at least five days' notice of such recommendation shall be given the person holding such license and an opportunity afforded him to ask for a rehearing before the commissioner. At such rehearing, if allowed, the commissioner may either comply with or dismiss such recommendation, or, in a proper case, may suspend for a limited time such license.

338. Those now in charge not affected

SEC. 7. No engineer or fireman actually in charge of any steam boiler or steam engine at the time this act takes effect shall be required to take the examination required by this act, but shall receive a license as such engineer or fireman from the said commissioner upon the written request of the owner of the boiler or engine upon which he is engaged or by the agent, superintendent or manager of such owner, which application shall be made, however, within the time herein fixed for such examination.

339. Form of license

SEC. 8. The form of such license so as aforesaid to be issued shall be in such manner as the Commissioner of Labor shall approve.

340. Salary of members; increase of salary; promotions; further increase; expenses met; period of service; payment of salaries and expenses

SEC. 9. Each member of the Steam Engine and Boiler Operators' License Bureau shall be entitled to have and receive as and for his compensation the sum of twenty hundred dollars per year. The salary of any member of said bureau, after one year of service, may be increased upon the recommendation of the Commissioner of Labor to twenty-one hundred dollars per year, and upon like recommendation, after two years of service, to twenty-two hundred dollars per year, and upon like recommendation, after three years of service, to twenty-three hundred dollars per year, and upon like recommendation, after four years of service, to twenty-five hundred dollars per year. Each member of said bureau, after having satisfactorily served for six years, shall, if recommended by the Commissioner of Labor, be admitted to a non-competitive promotion examination to be conducted by the Board of Civil Service Commissioners, and upon successfully passing said examination, shall receive a salary of twenty-six hundred dollars per year. Each member of said bureau, after having served for a period of three years subsequent to passing such promotion examination shall, if recommended by the Commissioner of Labor, receive a salary of twenty-nine hundred dollars per year, and after five years of service subsequent to passing such promotion examination, shall, if recommended by the Commissioner of Labor, receive a salary of three thousand dollars per year.

Each member of said bureau shall be entitled to and shall receive his necessary expenses incurred in the performance of his duties.

In computing the period of service above referred to, each member of said bureau shall receive credit for the number of years he has served as a member of the Steam Engine and Boiler Operators' License Bureau.

The salaries and expenses of the members of said bureau shall be payable monthly in the same manner as the compensation of the other employees of said Department of Labor; the fees received by the Commissioner for such licenses shall be paid into the State Treasury. (As amended and supplemented by P. L. 1919, ch. 151.)

341. Section ten repealed by P. L. 1917, ch. 251

342. License produced on demand

Every engineer and fireman licensed under the provisions of the act to which this act is amendatory and supplemental shall, while in charge of or operating a steam boiler or steam engine, produce his certificate or license upon demand made by the Commissioner of Labor or any employee of the Department of Labor, or any member of the bureau created by the act to which this act is an amendment and supplement. (As supplemented by P. L. 1917, ch. 251, sec. 6.)

343. Penalties

Any person who shall violate any of the provisions of this act shall be liable to a penalty of not less than ten or more than one hundred dollars. Any officer of any corporation violating any of the provisions of this act shall be personally liable for such violation of such corporation. Any manager, superintendent or other person in charge of any building or other person in which this act is violated shall be liable for such violation. (As supplemented by P. L. 1917, ch. 251, sec. 7.)

344. Procedure: jurisdiction as to violations; proceedings in name of Commissioner of Labor; issue of process; complaint; hearing; adjournments; holding defendant; service of process; execution; judgment docketed; costs

Every District Court in any city or judicial district, and every justice of the peace and police magistrate shall have jurisdiction to try and punish any person or persons, corporation or corporations guilty

of any violation of this act, or of the act of which this act is amendatory and supplemental, and every penalty prescribed by either of said acts may be enforced and recovered before any District Court, justice of the peace or police magistrate, either in the county where the offense is committed, or where the offender is summoned or arrested, or where he may reside. All proceedings brought for violation of this act, or the act of which this act is amendatory and supplemental, shall be in the name of the Commissioner of Labor of the State of New Jersey as plaintiff. Process shall only be issued at the instance of the Commissioner of Labor, or of an employee of the Department of Labor, or of a member of the bureau above mentioned. Such District Court, justice of the peace or police magistrate upon receiving verified complaint in writing of the violation of any provision of either of said acts shall issue process in the nature of a summons or warrant; when in the nature of a warrant such process shall be returnable forthwith; when in the nature of a summons in not less than five or more than fifteen days. The complaint may be sworn to by any person having knowledge of the facts. Such complaint when made by the Commissioner of Labor, or any employee of his department, or any member of the bureau above mentioned, may, however, be made upon information and belief.

Upon the return day of the summons or warrant, or upon any day to which said hearing shall be adjourned, said District Court, justice of the peace, or police magistrate shall summarily, without the filing of any pleadings, hear and determine the guilt or innocence of the defendant; and in case of conviction shall impose upon the person so convicted the penalty or penalties prescribed by this act together with the cost of prosecution.

Any hearing to be heard pursuant to this act may be adjourned by the District Court, justice of the peace or police magistrate, but shall not be continued for more than thirty days from the return day of the summons or warrant, except by consent of both parties. In case of adjournment where the first process was a warrant it shall be the duty of the District Court, justice of the peace or police magistrate to commit the defendant to the common jail of the county in which said court is situated, pending the hearing, unless defendant shall enter into a bond to the Commissioner of Labor of the State of New Jersey with at least one surety in the sum of two hundred dollars, conditioned for defendant's appearance on the day to which the hearing

shall be adjourned and then from day to day until the case is disposed of, and to abide by the judgment of the District Court, justice of the peace or police magistrate. If such bond is forfeited it shall be prosecuted in the name of the Commissioner of Labor of the State of New Jersey.

All process issued under the provisions of this act shall be served by the officers authorized to serve and execute process in District Courts and before police magistrates and justices of the peace, or by the Commissioner of Labor, or members of the bureau above mentioned.

Execution may issue against the goods and chattels of any person convicted of violating this act without any order first obtained for that purpose, and if sufficient goods and chattels of any such person be not found to satisfy the said execution, the said District Court, justice of the peace or police magistrate shall commit defendant to the common jail of the county where such conviction is had for a period not exceeding thirty days. In case of conviction of a corporation of violation of the provisions of this act execution may issue against the goods and chattels of such corporation.

Any judgment obtained under the provisions of this act may be docketed in the office of the clerk of the Court of Common Pleas of the county in which said judgment is recovered, in the same manner as judgments recovered in District Courts are docketed.

The costs in prosecutions under this act shall be the same as the costs taxed in civil actions in District Courts. (As supplemented by P. L. 1917, ch. 251, sec. 9.)

345. Jurisdiction of justices of peace

The jurisdiction hereby conferred on justices of the peace shall not obtain in any city or judicial district where there is now or may hereafter be established a District Court. (As supplemented by P. L. 1917, ch. 251, sec. 10.)

346. As to constitutionality

If any part of this act be adjudged unconstitutional it shall not invalidate the remainder of this act. (As supplemented by P. L. 1917, ch. 251, sec. 11.)

XXXV. BOILER INSPECTION BUREAU

(P. L. 1918, chapter 213, approved March 4, 1918, amendatory of and supplemental to P. L. 1913, chapter 363, as amended and supplemented by P. L. 1919, chapter 151.)

Sec. 347. Boiler inspection bureau established; how composed: powers of members.

348. Charge of inspection; duties.

349. Eligibility of inspectors.

350. Examinations.

351. Appointment of inspectors.

352. Boilers subject to test and inspection; proviso: exceptions.

353. Fee for inspecting and testing.

354. Additional external inspection; fee.

355. Commissioner may order additional inspections.

356. Rules and regulations.

357. Report by insurance company making inspections.

358. Report by owner of boiler; fee.

359. If boiler found unfit, order to discontinue use.

360. Reinspection.

361. Standards.

362. Fees paid into State Treasury.

363. Certificate of inspection issued.

364. Inspection of refrigerating plants; schedule of inspection fees; payment of fees; certificate of safety issued; renewal of license.

365. Penalty for violations; recovery of penalties.

366. As to validity of act.

347. Boiler inspection bureau established; how composed; powers of members

SEC. 1. Within sixty days after this act shall take effect there shall be established in the Department of Labor a bureau to be known as the Boiler Inspection Bureau, which shall consist of the Commissioner of Labor as head, the members of the Steam Engine and Boiler Operators' License Bureau, created under the provisions of an act entitled "An act to amend and supplement an act entitled 'An act to provide for the examination and license of engineers and firemen having charge of stationary and portable steam boilers and steam engines and to prohibit the use of such steam boilers and steam engines unless the person in charge thereof shall be so licensed,' approved April fourteenth, one thousand nine hundred and thirteen," which amendatory act was approved March twenty-ninth, one thousand

nine hundred and seventeen, and such inspectors as the Commissioner of Labor shall deem necessary, who shall have the qualifications and be appointed in the manner hereinafter prescribed in this act. The members of the Steam Engine and Boiler Operators' License Bureau, under the direction of the Commissioner of Labor, shall exercise supervision over all the inspections made under this act and shall also direct and supervise the inspectors hereinafter provided for.

The said members of the Steam Engine and Boiler Operators' License Bureau shall also have all the powers and privileges and be entitled to the same emoluments as said inspector.

348. Charge of inspection; duties

SEC. 2. The said Boiler Inspection Bureau shall be in charge of the inspection of all the steam boilers located within this State carrying a pressure of more than fifteen pounds per square inch, and also refrigerating plants in this State using ammonia or ethyl chloride of over three tons refrigerating capacity.

The members of said Boiler Inspection Bureau shall be subject to the direction, control and approval of the Commissioner of Labor, who shall prescribe their duties and who shall make such rules and regulations for the operation of such bureau as he may deem necessary. (As amended and supplemented by P. L. 1919, ch. 151.)

349. Eligibility of inspectors

SEC. 3. Any person who shall be a citizen of the State of New Jersey, who has had at least five years' experience as an engineer in the care and operation of steam boilers, or has had at least five years' experience as a boilermaker, or who has been for five years an inspector of an insurance company issuing insurance upon boilers and licensed to do business within this State, who shall satisfactorily pass the examination hereinafter provided for, shall be eligible to the office of inspector in the said Boiler Inspection Bureau.

350. Examinations

SEC. 4. The Commissioner of Labor shall from time to time direct the members of the Steam Engine and Boiler Operators' License Bureau to hold examinations for inspectors in the Boiler Inspection Bureau and shall prescribe the rules for and scope of said examination,

which rules shall include provisions for examination of inspectors of refrigerating plants in this State using ammonia or ethyl chloride. (As amended and supplemented by P. L. 1919, ch. 151, Sec. 3.)

351. Appointment of inspectors

SEC. 5. The Commissioner of Labor shall appoint the necessary inspectors from those who have satisfactorily passed said examination and shall issue to the inspectors so appointed a license, which license shall be signed by the Commissioner of Labor, and be sealed with the seal of the Department of Labor, and when so licensed such inspectors shall be authorized and empowered to conduct inspection of steam boilers within this State. Said inspectors shall hold office during the pleasure of the Commissioner of Labor and shall perform such duties as the Commissioner of Labor shall by rule direct.

352. Boilers subject to test and inspection; proviso; exceptions

SEC. 6. All steam boilers carrying a pressure of more than fifteen pounds per square inch shall be inspected internally and externally, and be subject to a hydrostatic test, if necessary, at least once in each year by an inspector of the Boiler Inspection Bureau, excepting, however, such steam boilers as may be insured after having been regularly inspected in accordance with the terms of this act by insurance companies; *provided, however*, that the inspectors of such insurance companies shall have satisfactorily passed the examination and been licensed by the Commissioner of Labor under the terms of this act for the inspection of steam boilers: the inspections of any steam boiler by such licensed inspector of an insurance company shall be acceptable in lieu of other inspections by the Boiler Inspection Bureau. This act shall not apply to steam boilers in marine or railroad service that are subject to United States Government inspection and regulations, or to fire department apparatus or motor road vehicles.

353. Fee for inspecting and testing

SEC. 7. A fee of six dollars shall be charged for each annual internal and external inspection, which shall include hydrostatic test if such is found necessary, of each steam boiler, together with the actual railroad fare incurred by the inspector in going to and returning from the place of inspection. The fees and expenses provided in this section

shall be paid to the inspector making the inspection by the owner of the steam boiler and out of the money so collected the inspector shall pay to the Commissioner of Labor the sum of one dollar, retaining the balance for his services and expenses.

354. Additional external inspection; fee

SEC. 8. In addition to the annual external and internal inspection provided in section six, there shall also be an external inspection of each steam boiler as aforesaid, which said external inspection shall be made as nearly as may be at the expiration of six months from each annual inspection as aforesaid, and for such external inspection a fee of two dollars and fifty cents shall be paid, in addition to the actual railroad fare to the inspector making the inspection in going to and returning from the place of said inspection, by the owner of the said steam boiler so inspected. Each steam boiler insured by an insurance company in accordance with the terms of section six shall also be given an external inspection by a licensed inspector as a part of the obligation of their insurance policy.

355. Commissioner may order additional inspections

SEC. 9. Whenever it shall be deemed necessary by the Commissioner of Labor additional inspections may be made of said steam boilers, which additional inspection shall be paid for in accordance with the terms of the preceding section.

356. Rules and regulations

SEC. 10. The Commissioner of Labor is hereby authorized to make such rules and regulations covering the manner of conducting inspections, the method of collecting fees, the settlement of accounts and payment of money on the part of licensed inspectors by insurance companies as he may deem necessary.

357. Report by Insurance Company making inspection

SEC. 11. Any insurance company making an inspection of any steam boiler shall make a report of such examination to the Commissioner of Labor in such manner and at such intervals as he may by rules provide, and shall pay to said Commissioner of Labor a fee of one dollar for each boiler insured within the State.

358. Report by owner of boiler; fee

SEC. 12. Whenever the Commissioner of Labor shall cause a written notice to be served upon the owner of any steam boiler coming within the provisions of this act, to furnish him with a report of an inspection made in accordance with the provisions of this act, it shall be the duty of the owner of such steam boiler, within thirty days after the date of service of said notice, to furnish said report to the said Commissioner of Labor, and if such report is not made within the said thirty days the Commissioner of Labor shall assign an inspector to make an inspection in accordance with the terms of said notice. Whenever an inspection is made in accordance with the provisions of this section the fees for such inspection shall be paid by the owner of said boiler to the Commissioner of Labor, who shall pay to said inspector the amount due him under the provisions of this act, and in case the said fee is not paid within thirty days after said inspection is made the Commissioner of Labor is hereby authorized to commence a suit for its collection in any court of competent jurisdiction.

359. If boiler found unfit, order to discontinue use

SEC. 13. If after any inspection it is found that any steam boiler is unfit for use, the inspector making such inspection shall order the use of said boiler to be discontinued until such time as proper repairs or replacements are made, and it shall be the duty of said owner of said steam boiler before continuing the use of said steam boiler to cause the same to be properly repaired or replaced, and when said repairs or replacements are complete to notify the Commissioner of Labor, who thereupon shall cause a further inspection of said steam boiler in order to determine whether such repairs or replacements have been properly made, and if said inspection discloses that such steam boiler is fit for use the said inspector shall deliver to said owner a certificate entitling said owner to recontinue its use.

360. Reinspection

SEC. 14. Any owner or operator of any steam boiler who is dissatisfied with the result of any such inspection may appeal to the Commissioner of Labor by mail and upon the receipt of any such appeal the Commissioner of Labor shall direct one of the members of the Steam Engine and Boiler Operators' License Bureau to con-

duct an inspection of such steam boiler and make a report of such inspection to the Commissioner of Labor, who thereupon shall render his decision, which decision shall be final.

361. Standards

SEC. 15. All steam boilers in this State shall be required to conform to such regulations and standards as are from time to time adopted by the Board of Boiler Rules.

362. Fees paid into State Treasury

SEC. 16. All fees received by the Commissioner of Labor shall be paid into the State treasury.

363. Certificate of inspection issued

SEC. 17. Upon payment by the owner of any steam boiler, or insurance company of the fees provided by this act for inspections, the Commissioner of Labor is hereby authorized and directed to deliver to said owner a certificate of inspection upon blanks provided for that purpose, which blanks shall be in such form as will show that said owner has complied with the provisions of this act.

364. Inspection of refrigerating plants; schedule of inspection fees; payment of fees; certificate of safety issued; renewal of license

All refrigerating plants in the State using ammonia or ethyl chloride of over three tons refrigerating capacity shall be inspected annually, excepting submerged coils therein, and the owner, lessee or operator of such refrigerating plant shall be required to comply with the regulations as recommended by the inspector inspecting such refrigerating plant, such recommendations to be in conformance with the rules and regulations formulated by the examining engineers as provided in this act and approved by the Commissioner of Labor. The fee for such inspection shall be as follows:

For inspection of refrigerating plants of twenty-five tons, or upwards, refrigerating capacity, the sum of six dollars for each inspection;

For inspection of refrigerating plants under twenty-five tons, and over three tons refrigerating capacity, the sum of four dollars for each inspection.

Payment for such inspection shall be made as follows:

The fees provided in this act shall be paid to the Commissioner of Labor by the owner, lessee or operator of the refrigerating plant, and the Commissioner of Labor shall cause to be paid to the inspector making an inspection in accordance with the terms of this act, the amount of the fee specified under the terms of this act for such inspection, first having deducted the sum of one dollar for each inspection made. The money so retained from the inspection fee shall be turned into the State Treasury by the Commissioner of Labor.

After the owner, lessee or operator has complied with the rules or regulations as recommended, a certificate of safety shall be issued by the Boiler Inspection Bureau covering the operation of such refrigerating plant, which certificate shall run for one year and be the authority and license for the operation of said plant during such time. At the expiration of one year from the date thereof, said license shall be renewed by the said bureau if and when said plant is found to be in proper condition for operation within the prescribed rules of said bureau. (As supplemented by P. L. 1919, ch. 151, sec. 4.)

365. Penalty for violations; recovering of penalties

SEC. 18. Any owner of any steam boiler or refrigerating plant who shall use or allow to be used such steam boiler or refrigerating plant in violation of any provisions of this act shall be liable to a penalty of not less than fifty nor more than one hundred dollars, to be collected by suit or compromise. All suits to recover any penalty shall be commenced in the name of the Commissioner of Labor as plaintiff and may be brought before any District Court, police magistrate or justice of the peace of the city or county wherein such violation shall occur, and said District Courts, police magistrates or justices of the peace are hereby authorized to hear and determine such causes and to issue execution for the collection of such penalties. (As amended and supplemented by P. L. 1919, ch. 151.)

366. As to validity of act

If any part of this act be adjudged unconstitutional it shall not invalidate the remainder of this act.

XXXVI. BOARD OF BOILER RULES

AN ACT to regulate the construction and use of steam boilers
(P. L. 1917, chapter 185, approved Mar. 27, 1917.)

Sec. 367. Board of boiler rules created; rules and regulations.

368. Penalty; recovery of.

367. Board of boiler rules created; rules and regulations

SEC. 1. The Governor shall appoint two citizens of this State who together with the Commissioner of Labor and the members of the Steam Engine and Boiler Operators' License Bureau, shall act as members of a board of boiler rules. This board shall meet at the call of the Commissioner of Labor, who shall be the chairman of the board, and shall formulate rules and regulations for the safe and proper construction and installation of steam boilers. No steam boiler shall be installed or used in this State unless it conforms to the rules and regulations adopted pursuant to this act.

368. Penalty; recovery of

SEC. 2. Any person violating any of the provisions of this act or violating any of the rules or regulations or requirements of the board of boiler rules shall be subject to a penalty of fifty dollars for the first offense and one hundred dollars for the second and each subsequent offense. Any penalty incurred under this act shall be sued for and recovered by and in the name of the Commissioner of Labor in accordance with the procedure provided for by an act entitled "An act regulating the age, employment, safety, health and work hours of persons, employees and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof," which was approved March twenty-fourth, one thousand nine hundred and four.

Rehabilitation Commission

(The activities of this Commission are closely related to those of the Department of Labor, with whose active cooperation the work of the Commission is being carried on.)

XXXVII. REHABILITATION OF PHYSICALLY HANDICAPPED PERSONS

AN ACT to create a commission for the rehabilitation of physically handicapped persons and to define its duties and powers.

(P. L. 1919, ch. 74, approved April 10, 1919.)

Sec. 369. Definitions.

- 370. Commission created; how composed; terms; employers and employes recognized; organization; expenses met; removal; vacancy.
- 371. Duty of commission; proviso; exceptions.
- 372. Director and assistants; proviso; proviso.
- 373. Powers of commission: (1) to ascertain possible cases; take advantage of facilities; (2) to learn of injured employes; (3) to receive applications; (4) to survey conditions; (5) to arrange treatment; (6) to furnish artificial appliances; (7) to operate school for rehabilitation; rules and regulations; (8) to arrange training courses; (9) to arrange courses in schools; (10) to arrange courses in sundry business establishments; (11) to provide maintenance; cost limited; (12) to arrange for social service; (13) to co-operate with the Commissioner of Labor; (14) to investigate, etc.; (15) to make studies; (16) to inform State; (17) to co-operate with authorities.
- 374. Aid non-residents.
- 375. Act construed liberally.
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369. Definitions

(a) "Physically handicapped" shall mean any person who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury or disease, is or may be expected to be totally or partially incapacitated for remunerative occupation.

(b) "Rehabilitation" shall mean the rendering of a person physically handicapped fit to engage in a remunerative occupation.

(c) "Residing in the State of New Jersey" shall mean any person who is and has been domiciled within the State for one year or more.

370. Commission created; how composed; terms; employers and employees recognized; organization; expenses met; removal; vacancy

SEC. 1. There is hereby created a State commission for the rehabilitation of physically handicapped persons hereinafter referred to as the commission, to be composed of the Commissioner of Education, the Commissioner of Labor and the Commissioner of Charities and Correction, and of three other members to be appointed by the Governor within thirty days after this act goes into effect, one of whom shall be appointed for a term of one year, one for a term of two years and one for a term of three years. Their successors shall be appointed in the same manner for the term of three years.

Of the three members appointed by the Governor one member, and only one, shall be a person who on account of his or her vocation, activities and affiliations can be considered as a representative of the employers of labor of the State, and one member, and only one, shall be a person who, on account of his or her vocation, activities and affiliations, can be considered as a representative of organized labor.

As soon as the commission is organized, and during the month of July of each year thereafter at an annual meeting, the commission shall elect its chairman.

The members of this commission shall serve without pay, but their actual expenses incurred in the performance of their duties shall be paid out of the funds appropriated to conduct the activities of the commission.

The Governor shall have power at any time to remove any member of the commission appointed by him pursuant to the provisions of this act for inefficiency or neglect of duty, charges in writing having been preferred and sustained after public hearing. Any vacancy occurring during a term shall be filled for the unexpired portion thereof by the appointment of a successor in the same manner as the predecessor was appointed.

371. Duty of commission; proviso; exceptions

SEC. 2. It shall be the duty of the commission to direct, as hereinafter provided, the rehabilitation of any physically handicapped persons sixteen (16) years of age or over residing in the State of New Jersey; *provided*, that said duty of this commission shall not be construed to apply to aged or helpless persons requiring permanent custodial care, or to blind persons under the care of the State Commission to Ameliorate the Condition of the Blind, or to deaf persons under the care of the State School for Deaf-Mutes, or to any epileptic or feeble-minded person, or to any person who may, in the judgment of the commission, not be susceptible of such rehabilitation.

372. Director and assistants; prov.so; proviso

SEC. 3. The commission shall appoint a director, who shall employ such staff and special assistants as may be necessary to carry out the purposes and objects of this act; *provided*, that such staff and special assistants shall be appointed by the director in accordance with the provisions of an act entitled "An act regulating the employment, tenure and discharge of certain officers and employees of the State and of various counties and municipalities thereof, and providing for a Civil Service Commission, and defining its powers and duties," approved April tenth, one thousand nine hundred and eight; *and provided, further*, that there shall be employed no teacher receiving salary for service who does not possess a certificate of qualification issued under rules prescribed by the State Board of Education.

373. Powers of commission: (1) to ascertain possible cases; take advantage of facilities; (2) to learn of injured employes; (3) to receive applications; (4) to survey conditions; (5) to arrange treatment; (6) to furnish artificial appliances; (7) to operate school for rehabilitation; rules and regulations; (8) to arrange training courses; (9) to arrange courses in schools; (10) to arrange courses in sundry business establishments; (11) to provide maintenance; cost limited; (12) to arrange for social service; (13) to co-operate with the Commissioner of Labor; (14) to investigate, etc.; (15) to make studies; (16) to inform State; (17) to co-operate with authorities

Sec. 4. The Commission shall have power:

(1) To establish relations with all public and private hospitals to receive reports of any persons under treatment in such hospitals for any injury or disease that may permanently impair their earning

capacity in order that persons thus reported may be promptly visited by representatives of the commission who shall make record of their condition and report to the commission. The commission shall then determine whether the person is susceptible to rehabilitation. Such persons as may be found so susceptible shall be acquainted by the commission with the rehabilitation facilities offered by the State and the benefits of entering upon remunerative work at an early date. Any person who chooses to take advantage of these rehabilitation facilities shall be registered with the commission, and a record kept of every such person and the measure taken for his or her rehabilitation. The commission shall proffer to any such person counsel regarding the selection of a suitable occupation and of an appropriate course of training, and shall initiate definite plans for beginning rehabilitation as soon as the physical condition of the person permits.

(2) To arrange with the Commission of Labor to receive reports of all cases of injuries received by employees in the course of employment which may result in permanent disability. The persons thus known to be injured may be visited, examined, registered and advised in the same manner and for the same purposes as specified in clause one of this section.

(3) To receive applications of any physically handicapped persons residing within the State for advice and assistance regarding their rehabilitation. The persons thus known to be physically handicapped may be visited, examined and advised in the same manner and for the same purposes as specified in clause one of this section.

(4) To make surveys to ascertain the number and condition of physically handicapped persons within the State. The persons thus known to be physically handicapped may be visited, examined, registered and advised in the same manner and for the same purposes as specified in clause one of this section.

(5) To arrange for such therapeutic treatment as may be necessary for the rehabilitation of any physical handicapped persons who have registered with the commission.

(6) To procure and furnish at cost to physically handicapped persons registered with the commission artificial limbs and other orthopedic and prosthetic appliances, to be paid for in easy installments, when such appliances cannot be otherwise provided.

(7) To establish, maintain and operate in one of the first class cities in the State a school to be known as "The New Jersey Memorial

School for Rehabilitation," and to establish, maintain and operate branches of the school at such other places as may, in the judgment of the commission be necessary. There shall be provided at the school and its branches courses of training in selected occupations for physically handicapped persons registered with the commission whose physical condition may, in the judgment of the commission require special courses of training to render them fit to engage in remunerative employment, and who will be assigned by the commission to the school or to any of its branches for the purpose of such special training.

The commission shall make the necessary rules for the proper conduct and management of the school and its branches; shall have control and care of the building and grounds used by the State for the school and its branches and the funds for the support thereof, appropriated by the State; shall purchase the necessary equipment and supplies; and shall prescribe the courses and methods of training to be given at the school and its branches.

(8) To arrange with the Commissioner of Education for training courses in the public schools in the State in selected occupations for physically handicapped persons registered with the commission.

(9) To arrange with any educational institution for training courses in selected occupations for physically handicapped persons registered with the commission.

(10) To arrange with any public or private organization or commercial, industrial or agricultural establishment for training courses in selected occupations for physically handicapped persons registered with the commission.

(11) To provide maintenance costs during the prescribed period of training for physically handicapped persons registered with the commission, provided that when the payment of maintenance costs is authorized by the commission it shall not exceed ten dollars (\$10) per week, and the period during which it is paid shall not exceed twenty weeks, unless an extension of time is granted by a unanimous vote of the commission.

(12) To arrange for social service for the visiting of physically handicapped persons registered with the commission and of their families in their homes during the period of treatment and training and after its completion, to give advice regarding any matter that may affect rehabilitation.

(13) To co-operate with the Commissioner of Labor in the placement in remunerative employment of physically handicapped persons registered with the commission.

(14) To conduct investigations and surveys of the several industries located in the State to ascertain the occupations within each industry in which physically handicapped persons can enter upon remunerative employment under favorable conditions and work with normal effectiveness, and to determine what practicable changes and adjustments in industrial operations and practices may facilitate such employment.

(15) To make such studies and reports as may be helpful for the operation of this act.

(16) To keep the people of the State informed regarding the operation of this act.

(17) To co-operate with any department of the Federal Government or of the government of the State of New Jersey or with any county or municipal authorities within the State or with any private agency in the operation of this act.

374. Aid non-residents

SEC. 5. The commission shall have further power to extend the benefits of this act to any physically handicapped person who is not a resident of New Jersey upon payment of such fee for the services rendered as shall be fixed by the commission.

375. Act construed liberally

SEC. 6. The provisions of this act shall be liberally construed in order that its purposes and objects may be fully effectuated.

376. To construct building for school; appropriations

SEC. 7. To purchase or lease land, construct or rent buildings, provide the equipment and meet all the expenses necessary to establish, maintain and operate the school to be known as "The New Jersey Memorial School for Rehabilitation," and to conduct the other activities of the commission authorized by this act, there is hereby appropriated the sum of five thousand dollars (\$5,000), for the purpose of conducting the necessary surveys of the work to be undertaken by this commission, and in addition thereto, there is hereby appropriated the sum of one hundred thousand dollars (\$100,000) for the

purpose of carrying into effect the provisions of this act, such moneys to be available whenever they are included in any annual or other appropriation bill.

377. Annual report

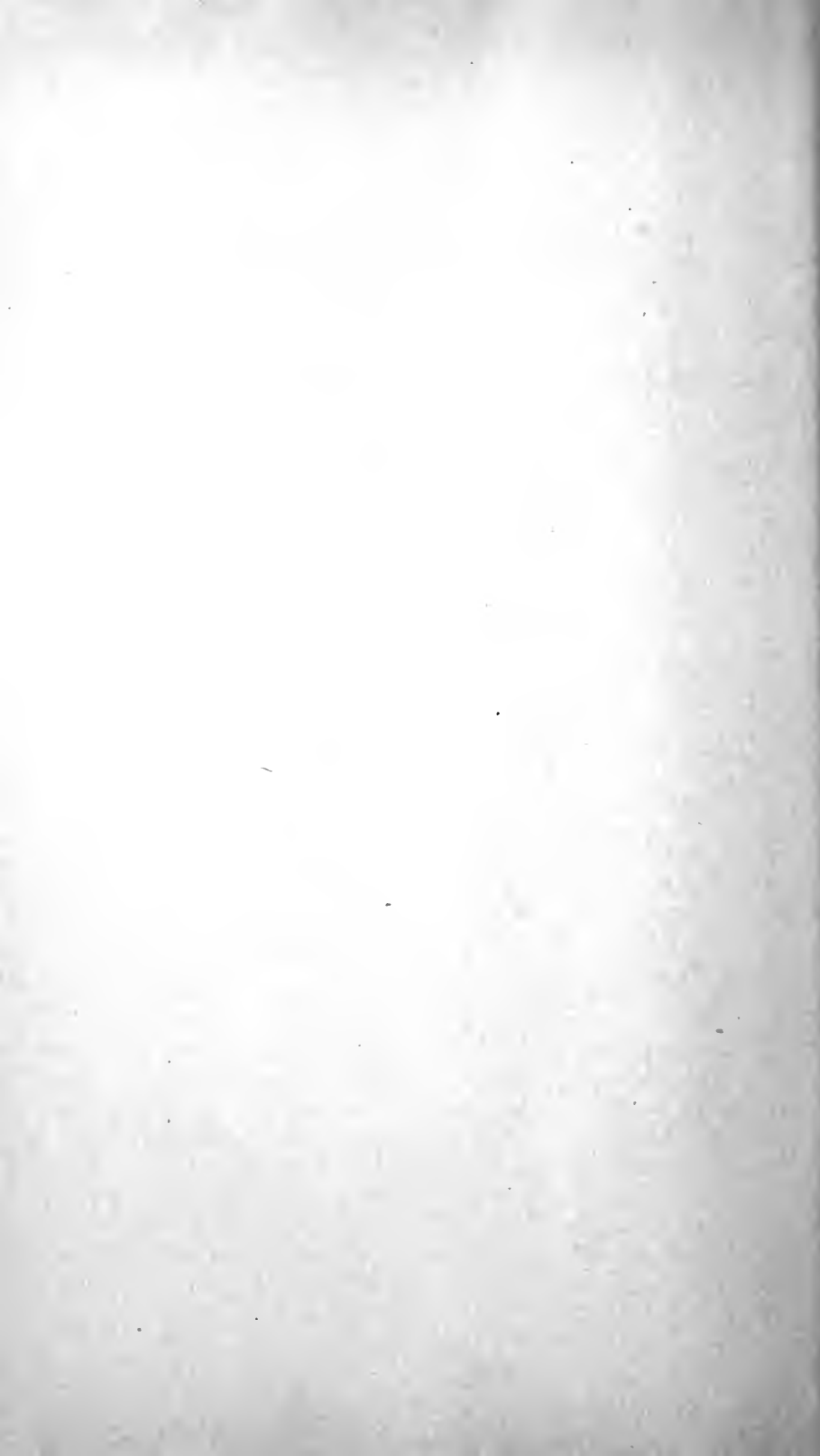
SEC. 8. A report on the activities of the commission authorized by this act shall be submitted annually to the Governor, together with a statement of the sum necessary to conduct said activities during the ensuing year.

378. Repealer

SEC. 9. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

379. As to validity of act

SEC. 10. If any section or provision of this act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of this act as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.



State Industrial Safety Museum

XXXVIII. STATE INDUSTRIAL SAFETY MUSEUM ESTABLISHED

AN ACT to create a State Industrial Safety Museum under the jurisdiction of the Department of Labor.
(P. L. 1920, ch. 334, approved April 21, 1920.)

Sec. 380. Industrial safety museum established.

381. Nature of exhibits.

382. Committee on museum.

380. Industrial safety museum established

SEC. 1. The Department of Labor may establish in the building known as 571 Jersey avenue, Jersey City, now under lease by the said Department of Labor, or at any other location it may deem advisable, a State Industrial Safety Museum in which may be installed such exhibits as said Department of Labor shall approve to further the standardization of safety and economic stability in manufactories.

381. Nature of exhibits

Scope of Information Furnished by the Museum

SEC. 2. Said museum shall furnish information by means of said exhibits, which may include practical equipment appliances and devices, photographs, blue prints, engineering data, reports, statistics and lectures on the production and personnel standards now successfully operative in this country and abroad, covering the problems of factory construction and plant layout; fire prevention and protection; elevator installation and protection; electrical equipment; elimination of boiler room hazards; natural and artificial lighting methods; machine safeguarding and accident reduction; natural and mechanical ventilation; fan removal of dusts, fumes and excessive humidity; shop hygiene; the installation of betterment provisions,

including toilet, wash, dressing and lunch room facilities; first aid and hospital equipment; industrial training in vestibule schools and shops; the development of technical and shop library service; the reduction of the labor turnover by means of approved employment methods, shop relations, Americanization activities and insurance benefits; the stabilizing of working forces through improved transportation and housing facilities; and such other safety and industrial problems as the said Department of Labor shall from time to time determine.

382. Committee on museum

The Administration of the Museum.

SEC. 3. The Commissioner of Labor shall appoint and be an ex officio member of the administrative committee consisting of the director of the museum as chairman and at least one representative each of the chamber of commerce, a compensation insurance company, an accident insurance company, a life insurance company, a fire insurance company, a representative of labor and such additional representatives of the manufacturers and safety and conservation organizations of the State as may be deemed expedient for insuring the greatest usefulness of said museum, all of whom excepting the director shall serve without salary, who shall conduct said museum within the jurisdiction of said Department of Labor.

Bureau of Workmen's Compensation

XXXIX. WORKMEN'S COMPENSATION LAW—SUMMARY

Complete copies of this law, as amended in 1919 and 1921, may be obtained by writing to the Department of Labor, Compensation Bureau, State House, Trenton, N. J.

383. The law is divided into two parts; Section I and Section II

Section I is the legal liability section. Under this section damages can be obtained only by trial before a jury, when the accident can be shown to be due in any sense to the negligence of the employer, without willful negligence on the part of the employee.

Section I will not apply to any employee unless he gives to his employer, or received from him, a notice in writing rejecting Section II. An employee cannot receive the advantages of both sections of the law.

Section II applies to every employee unless the above notice has been served. Under this section the employee is entitled to compensation, according to a schedule contained in the law, for all accidental injuries arising out of and in the course of his employment, without regard to negligence on the part of employer or employee, except when the injury is intentionally self-inflicted, or when intoxication is the natural cause of the injury.

The injured employee, or someone for him, must give notice of the injury to the employer, within fourteen days of the occurrence. If he does not do so, no compensation shall be due until the notice is given, or the employer knows of the injury. The notice to the employer should be in form somewhat like the following:

To (name of employer):

You are hereby notified that a personal injury was received by (name of employee injured), who was in your employ at (place) while engaged as (nature of employment), on or about the (.....) day of (.....), nineteen hundred and (.....), and that compensation will be claimed therefor.

Signed (.....)

This is to be signed by the injured employee or someone in his behalf. This notice may be sent to the office of the employer, or given to the foreman or superintendent in charge of the room, department, or place where the employee worked.

The schedule of compensation under Section II is in general as follows:

During the first four weeks after the injury occurs, the employer must furnish reasonable medical and hospital services and medicines not to exceed fifty dollars. No compensation is payable until after the injured has been disabled ten days, whether these days be consecutive or not. This period is called the waiting period, and if at any time thereafter disability is suffered, compensation is payable, but not beyond three hundred weeks for temporary disability.

Compensation shall be two-thirds of the wage at time of accident, but no weekly compensation shall be greater than \$12, nor less than \$6, unless the employee is earning less, in which case he shall receive his full wage.

In the event of amputation, or other permanent injury, further compensation, at the same rate, is to be paid. This is over and above what the employee may be earning after resuming work.

Compensation for amputations listed in the schedule shall be for the following number of weeks:

Thumb, 60 weeks; 1st finger, 35 weeks; 2nd finger, 30 weeks; 3rd finger, 20 weeks; 4th finger, 15 weeks; great toe, 30 weeks; each other toe, 10 weeks. The loss of one joint of a finger or toe shall call for one-half the number of weeks. The loss of any portion of one joint calls for a like proportion of the number of weeks allowed for the loss of all of that joint.

Arm, 200 weeks; leg, 175 weeks; hand, 150 weeks; foot, 125 weeks; eye, 100 weeks.

Claims for permanent injuries not classified must be settled by agreement for a number of weeks proportionate to weeks stated in the schedule.

The loss of both hands, feet or eyes, of any two thereof, shall constitute total permanent disability, requiring compensation for 400 weeks. Other injuries also may constitute total disability.

In fatal accidents the injured is entitled to expenses of last sickness not in excess of \$200. The employer must also pay for funeral expenses, but not more than \$100.

Compensation for fatal accidents shall be paid for 300 weeks as follows: one dependent is entitled to 35 per cent. of wages; two dependents to 40 per cent.; three to 45 per cent.; four to 50 per cent.; five to 55 per cent.; six, or more, to 60 per cent.; but no weekly compensation shall be greater than \$12. In making payments to children, only those under eighteen years of age shall be included.

Compensation in fatal cases is now payable to alien dependents not living in the United States.

Compensation for all classes of injury shall be paid one after the other, as follows:

First four weeks' medical and hospital service.

After the first ten days of disability, compensation for temporary disability.

After that, compensation for each permanent injury, one after the other.

After that, if death results from the accident, expenses of last sickness and burial, subject to the limits stated above.

After that, compensation to dependents.

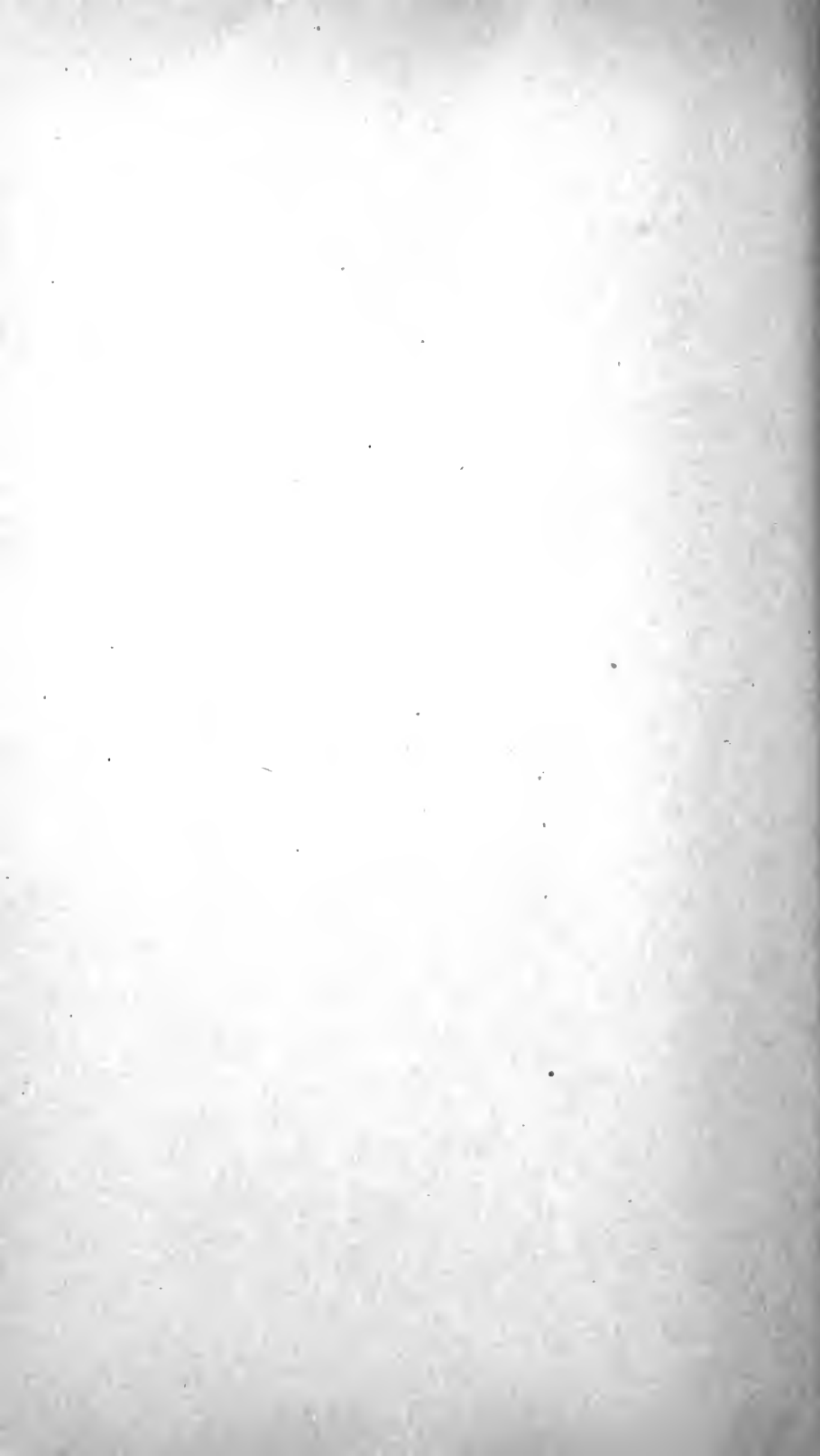
An injured employee refusing to submit to an examination, forfeits compensation during the period of refusal. Injured employees refusing medical aid proffered by their employers, must pay the medical expenses.

The 1919 Legislature has declared that hernia is not ordinarily the result of accident but due to a personal defect; compensation, therefore, can be claimed for disability on account of this condition only in unusual cases.

Employers or employees experiencing trouble on any question under this law, can obtain legal advice free of charge by applying to any official of the Compensation Bureau. Information as to where and when these can be seen can be obtained by calling on or writing to

WORKMEN'S COMPENSATION BUREAU,

State House, Trenton, 9-11 Franklin Street, Newark.
or 571 Jersey Ave., Jersey City.



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